



भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित
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सं. 03] नई दिल्ली, जनवरी 21—जनवरी 27, 2024, शनिवार/ माघ 1—माघ 7, 1945
No. 03] NEW DELHI, JANUARY 21— JANUARY 27, 2024, SATURDAY/MAGHA 1—MAGHA 7, 1945

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 22 जनवरी, 2024

का.आ. 58.—बीमांकक अधिनियम, 2006 (2006 का 35) की धारा 12 की उप-धारा (2) के खंड (ख) (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा भारतीय बीमांकक संस्थान परिषद में, श्री प्रमोद कुमार अरोड़ा, पूर्णकालिक सदस्य (बीमांकक), भारतीय बीमा विनियामक और विकास प्राधिकरण (इरडाई) के कार्यकाल को दिनांक 4.1.2024 से दो वर्ष की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. ए-11011/04/2022-बीमा-I]

विनोद कुमार, अवर सचिव

MINISTRY OF FINANCE
(Department of Financial Services)

New Delhi, the 22nd January, 2024

S.O. 58.—In exercise of the powers conferred by clause (b) (ii) of sub-section (2) of section 12 of the Actuaries Act, 2006 (35 of 2006), the Central Government hereby extends the tenure of Shri Pramod Kumar Arora, Whole-time member (Actuary), Insurance Regulatory and Development Authority of India (IRDAI) on the Council of the Institute of Actuaries of India, commencing from 4.1.2024 for an additional period of two years, or until further orders, whichever is earlier.

[F. No. A-11011/04/2022-Ins.I]

VINOD KUMAR Under Secy.

विदेश मन्त्रालय
(सी.पी.वी. प्रभाग)

नई दिल्ली, 23 जनवरी, 2024

का.आ. 59.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद् द्वारा, सरकार भारत के उच्चायोग विक्टोरिया (सेशेल्स) में स्वदेश साधु, सहायक अनुभाग अधिकारी को दिनांक 23 जनवरी, 2024 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/1/2024(03)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

MINISTRY OF EXTERNAL AFFAIRS
(CPV DIVISION)

New Delhi, the 23rd January, 2024

S.O. 59.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Swadesh Sadhu, Assistant Section Officer as Assistant Consular Officer in the High Commission of India, Victoria, Mahe Seychelles to perform the consular services as Assistant Consular Officer with effect from January 23, 2024.

[F. No. T. 4330/01/2024(03)]

S.R.H FAHMI, Director (CPV-I)

नई दिल्ली, 23 जनवरी, 2024

का.आ. 60.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद् द्वारा, सरकार भारतीय दूतावास अबू दाबी में लोकेश राय, सहायक अनुभाग अधिकारी को दिनांक 23 जनवरी, 2024 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/1/2024(04)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

New Delhi, the 23rd January, 2024

S.O. 60.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Lokesh Rai, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Abu Dhabi to perform the consular services as Assistant Consular Officer with effect from January 23, 2024.

[F. No. T.4330/01/2024(04)]

S.R.H FAHMI, Director (CPV-I)

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 12 अक्टूबर, 2023

का.आ. 61.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है:-

1. मुख्य परियोजना निदेशक, केंद्रीय रेल विद्युतीकरण, बेंगलूरु.
2. क्षेत्रीय कार्यालय, इंडियन केटरिंग एण्ड टूरिज्म कॉरपोरेशन लिमिटेड, विशाखापट्टनम.
3. रेलटेल कॉर्पोरेशन ऑफ इंडिया लिमिटेड, (टेरिटरी कार्यालय), नागपुर.
4. रेलटेल कॉर्पोरेशन ऑफ इंडिया लिमिटेड, (टेरिटरी कार्यालय), प्रयागराज.
5. आधुनिक रेल डिब्बा कारखाना, रायबरेली.

[फा. सं. हिंदी-2023/रा.भा.-1/12/1/(1614763)]

डॉ. वरुण कुमार, निदेशक, राजभाषा

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 12th October, 2023

S.O. 61.—Ministry of Railways (Railway Board) in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the following offices where 80% or more Officers/Employees have acquired the working knowledge of Hindi:-

1. Chief Project Director, Central Organisation for Railway Electrification, Bengaluru.
2. Regional Office, Indian Railway Catering and Tourism Corporation LTD., Visakhapatnam.
3. RailTel Corporation of India, (Territory Office), Nagpur.
4. RailTel Corporation of India, (Territory Office), Prayagraj.
5. Modern Coach Factory, Raebareli

[F. No.Hindi-2023/O.L.-1/12/1/(1614763)]

Dr. BARUN KUMAR, Director (O.L.)

नई दिल्ली, 24 नवम्बर, 2023

का.आ. 62.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है:-

1. भारतीय कंटेनर निगम लिमिटेड, सनथनगर, हैदराबाद कार्यालय
2. भारतीय कंटेनर निगम लिमिटेड, कोलकाता क्लस्टर कार्यालय
3. चित्तरंजन रेल इंजन कारखाना, चित्तरंजन
4. रेल दावा अधिकरण, अहमदाबाद पीठ

[फा. सं. हिंदी-2023/रा.भा.-1/12/1/(1637614)]

डॉ. वरुण कुमार, निदेशक, राजभाषा

New Delhi, the 24th November, 2023

S.O. 62.—Ministry of Railways (Railway Board) in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the following offices where 80% or more Officers/Employees have acquired the working knowledge of Hindi:-

1. Container Corporation of India Ltd. Sanath nagar, Hyderabad Office.
2. Container Corporation of India Ltd., Kolkata Cluster Office.
3. Chittaranjan locomotive works, Chittaranjan
4. Rail Claims Tribunal, Ahmedabad Bench

[F. No. Hindi-2023/O.L.-1/12/1/(1637614)]

Dr. BARUN KUMAR, Director (O.L.)

नई दिल्ली, 12 जनवरी, 2024

का.आ. 63.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है:-

1. इरकॉन इंटरनेशनल लिमिटेड, कटनी- सिंगरौली रेल डबलिंग परियोजना, मध्य प्रदेश-483501.
2. भारतीय कंटेनर निगम लिमिटेड, मालनपुर, ग्वालियर.
3. रेलटेल कॉर्पोरेशन ऑफ इंडिया लिमिटेड (टेरिटरी कार्यालय) भोपाल- 462039.
4. रेलटेल कॉर्पोरेशन ऑफ इंडिया लिमिटेड (टेरिटरी कार्यालय) नागपुर- 440001.
5. रेलटेल कॉर्पोरेशन ऑफ इंडिया लिमिटेड (टेरिटरी कार्यालय) प्रयागराज-211001.
6. क्षेत्रीय कार्यालय, इंडियन रेलवे केटरिंग एण्ड टूरिज्म कॉर्पोरेशन लिमिटेड, बंगलुरु.

[फा. सं. हिंदी-2023/रा.भा.-1/12/1/(1676021)]

डॉ. बरुण कुमार, निदेशक, राजभाषा

New Delhi, the 12th January, 2024

S.O. 63.—Ministry of Railways (Railway Board) in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the following offices where 80% or more Officers/Employees have acquired the working knowledge of Hindi:-

1. Ircon International Ltd, Katni-Singrauli Rail Doubling Project, Madhya Pradesh-483501.
2. Container Corporation of India Ltd., Malanpur, Gwalior.
3. RailTel Corporation of India Ltd., (Territory Office) Bhopal-462039.
4. RailTel Corporation of India Ltd., (Territory Office) Nagpur-440001.
5. RailTel Corporation of India Ltd., (Territory Office) Prayagraj-211001.
6. Regional Office, Indian Railway Catering & Tourism Corporation Ltd., Bangalore.

[F. No. Hindi-2023/O.L.-1/12/1/(1676021)]

Dr. BARUN KUMAR, Director (O.L.)

अंतरिक्ष विभाग

नई दिल्ली, 18 जनवरी, 2024

का.आ. 64.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में एतद्वारा अंतरिक्ष विभाग के निम्नलिखित स्वायत्त निकाय, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

उत्तर पूर्वी अंतरिक्ष उपयोग केंद्र (उ.पू.-सैक)
अंतरिक्ष विभाग का स्वायत्त निकाय
भारत सरकार
उमियम, मेघालय – 793 103

[फा. सं. 8/1/10/2011-हिं.]

के.वी. रमणा बाबू, अवर सचिव

DEPARTMENT OF SPACE

New Delhi, the 18th January, 2024

S.O. 64.—In pursuance of Sub-Rule (4) of the Rule 10 of the Official Language (Use for official purposes of the Union) Rule, 1976, the Central Government, hereby notifies the following Autonomous Body of the Department of Space, whereof more than 80 percent staff have acquired the working knowledge of Hindi.

North Eastern Space Application Centre (NESAC)
Autonomous Body of Department of Space
Government of India
Umiam, Meghalaya- 793 103

[F. No. 8/1/10/2011-H.]

K.V. RAMANA BABU, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 दिसम्बर, 2023

का.आ. 65.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि श्रीकाकुलम-अंगुल पाईपलाइन (एस ए पी एल) और स्पर पाईप लाईनके परियोजना के अन्तर्गत खनिज उत्पाद के परिवहन हेतु अंगुल से श्रीकाकुलम तक गेल (इण्डिया) लिमिटेड द्वारा ओडिशा राज्य में पाईपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को ऐसी पाईपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाईपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, 21 दिन के भीतर भूमि के नीचे पाईप लाइन बिछाये जाने की संबंध में, सक्षम प्राधिकारी, ओडिशा, गेल) इण्डिया (लिमिटेड 612 उत्कल सिग्नेचर, पाहाल, एन हच- 16 भुवनेस्वर -751032 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

श्रीकाकुलम-अनगुल गैस पाईपलाइन					
भूमि अनुसूचि					
जिला- गंजाम		राज्य : ओडिशा			
तहसील का नाम	गाँव का नाम-थाना नं.	सर्वे नं/ नया सर्वे नं.	अधिसूचित क्षेत्र		
			हेक्टेअर	आरे.	वर्गमीटर
1	2	3	4	5	6
सानखेमून्डी	गोतमी-8	617/6726	00	03	13

पात्रपुर	पात्रपुर - 141	552	00	05	98
पात्रपुर	चुडिआलांजी -176	2	00	01	21
		3	00	00	61
		4	00	05	74
		5	00	01	58
		6	00	09	59

[फा. सं. एल-14014/212/2021-जीपी-II(ई-40969)]

रामजीलाल मीना, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 29th December, 2023

S.O. 65.—Whereas, it appears to the Central Government that it is necessary in the public interest under the Srikakulam-Angul Pipeline Project (SAPL) and Spur pipeline for the transportation of Petroleum Product from Angul to Srikakulam in the state of Odisha a pipeline should be laid by Gail (India) Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land describe in the said schedule may, within twenty one days from the date of which the copies of the notification issued under sub-section(1) of the Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein for laying of the pipeline under the land to competent Authority,(Odisha) Gail (India) Limited, 612 Utkal Signature, Pahal, NH-16 Bhubaneswar- 751032.

SCHEDULE

SRIKAKULAM-ANGUL GAS PIPE LINE					
LAND SCHEDULE					
District- Ganjam			State : Odisha		
Name of Tehsil	Name of Village-Thana no.	Survey No./ New Survey No.	NOTIFIED AREA		
			Hector	Are.	Sq.mtr.
1	2	3	4	5	6
Sanakhemundi	Gowtami-8	617/6726	00	03	13
Patrapur	Patrapur- 141	552	00	05	98
Patrapur	Chudialanji - 176	2	00	01	21
		3	00	00	61
		4	00	05	74
		5	00	01	58
		6	00	09	59

[F. No. L-14014/212/2021-GP-II(E-40969)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 29 दिसम्बर, 2023

का.आ. 66.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3256(अ) तारीख 02.08.2021 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा ओडिसा राज्य में श्रीकाकुलम-अनूगुल पाइपलाइन (एस ए पी एल) और स्पर पाइप लाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को उपलब्ध करा दी गई थी;

और, सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइनों बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनों बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, निर्देश देती है कि पाइपलाइनों बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, भारत सरकार में निहित होने के बजाए, पाइपलाइनों बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुये, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

श्रिकाकुलम -अनगुल पाईपलाईन					
(स्पर गैसपाईपलाईन)					
भूमि अनुसूचि					
जिला- गंजाम			राज्य : ओडिशा		
तहसील का नाम	गाँव का नाम-थाना नं.	सर्वे नं.	क्षेत्रफल		
			हेक्टेअर	आरे.	वर्गमीटर
1	2	3	4	5	6
आसिका	भेङ्कटरापलि -148	409	00	02	71

[फा. सं. एल-14014/22/2022-जीपी-II(ई-41637)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 29th December, 2023

S.O. 66.—Whereas by the notification of Government of India in Ministry of Petroleum and Natural Gas vide S. O. No. 3256(E) dated 02.08.2021 issued under sub- section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of natural gas through Srikakulam - Angul Pipeline (SAPL) & Spur pipeline in the State of Odisha by GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public;

And, whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted his report to Government of India;

And whereas Government of India after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, Government of India hereby declares that the Right of User in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in Government of India, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

SRIKAKULAM-ANGUL PIPE LINE					
(SPUR GAS PIPELINE)					
LAND SCHEDULE					
District- Ganjam			State-Odisha		
Name of Tehsil	Name of Village-Thana no	Survey no.	Area		
			Hector	Are.	Sq.mtr.
1	2	3	4	5	6
Aska	Venkataraipalli-148	409	00	02	71

[F. No. L-14014/22/2022-GP-II(E-41637)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 29 दिसम्बर, 2023

dk-vk- 67.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि if'pe cæky राज्य में txnh'ki j & gfYn; k & ckdkjk&/kcej k i kbi ykbu %ts , p ch Mh ih , y% vkj Li j i kbi ykbu के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाईन बिछाई जानी चाहिए।

और भारत सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध कर दी जाती है, 21 दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के संबंध में, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड को लिखित रूप में आक्षेप भेज सकेगा।

vuq iph

txnh'ki j & gfYn; k& ckdkjk&/kcej k i kbi ykbu %ts , pâchâMhâi hâ, yâ% , oe Li j i kbi ykbu çkstDV								
npxkij & gfYn; k l DI u &3 ch								
vuq iph								
j kT; & if'pe cæky								
ftyk	Cykl	ekstk	Fkkuk ua	uD'kk	l ol ua	{k=Qy		
						gDVwj	vkj	oxl ehVj
1	2	3	4	5	6	7		
हुगली	पांडुआ	भोनपुर	90	एल.आर.	2536	0	01	85
जिला	ब्लॉक	मौजा	थाना नं.	नक्शा	सर्वे नं.	क्षेत्रफल		
						हेक्टेअर	आर	वर्ग मीटर
1	2	3	4	5	6	7		
हुगली	पांडुआ	भोटग्राम	12	एल.आर.	492	0	00	45
जिला	ब्लॉक	मौजा	थाना नं.	नक्शा	सर्वे नं.	क्षेत्रफल		
						हेक्टेअर	आर	वर्ग मीटर
1	2	3	4	5	6	7		
हुगली	पोलबा—दादपूर	प्रसादपूर	24	एल.आर.	47	0	08	92
जिला	ब्लॉक	मौजा	थाना नं.	नक्शा	सर्वे नं.	क्षेत्रफल		
						हेक्टेअर	आर	वर्ग मीटर
1	2	3	4	5	6	7		
हुगली	पोलबा—दादपूर	गोटू	63	आर. एस.	114/5310	0	01	77

[फा. सं. एल-14014/78/2022-जीपी-II(ई-42405)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 29th December, 2023

S.O. 67.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas through **Jagdishpur-Haldia & Bokaro-Dhamra Pipeline (JHBDPL) & Spur Pipeline**, in the State of **West Bengal**, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date of which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of User therein for laying of the pipeline under the land to Competent Authority, GAIL (India) Limited.

SCHEDULE

JAGDISHPUR-HALDIA -BOKARO-DHAMRA PIPELINE (JHBDPL) PROJECT & SPUR PIPELINE PROJECT								
DURGAPUR-HALDIA, SECTION -3B								
Schedule								
State: West Bengal								
District	Block	Mouza	J.L. No.	Map	Survey No.	Area		
						Hect	Are	Sq. Mt.
1	2	3	4	5	6	7		
Hooghly	Pandua	Bhonpur	12	LR	2536	0	01	85
District	Block	Mouza	J.L. No.	Map	Survey No.	Area		
						Hect.	Are	Sq. mtr.
1	2	3	4	5	6	7		
Hooghly	Pandua	Bhotgram	40	LR	492	0	00	45
District	Block	Mouza	J.L. No.	Map	Survey No.	Area		
						Hect.	Are	Sq. mtr.
1	2	3	4	5	6	7		
Hooghly	Polba - Dadpur	Prasadpur	24	LR	47	0	08	92
District	Block	Mouza	J.L. No.	Map	Survey No.	Area		
						Hect.	Are	Sq. mtr.
1	2	3	4	5	6	7		
Hooghly	Polba - Dadpur	Gotu	63	RS	114/5310	0	01	77

[F. No. L-14014-78-2022-GP-II(E-42405)]

RAMJI LAL MEENA, Under Secy.

Je , oajkstxkj e#ky;

नई दिल्ली, 18 जनवरी, 2024

68.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और जसवीर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (67/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-11]

सलोनी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 18th January, 2024

S.O. 68.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 67/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Jasveer Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-11]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Offier, Chandigarh.**

ID No.67/2016

Registered On:-11/11/2016

Jasveer Kaur W/o Bittu Singh C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-07.12.2023**

1. The workman Jasvir Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 69.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सिंडर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डगढ़ के पंचाट (68/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-12]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 69.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 68/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sinder Kaur.Worker.

[No. L-12025/01/2024- IR(B-I) -12]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.68/2016

Registered On:-11/11/2016

Sinder Kaur W/o Hakam Singh C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-07.12.2023

1. The workman Sinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 70.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, दुलहस्ती पावर स्टेशन, एनएचपीसी लिमिटेड किश्तवाड़ जे एंड के; मेसर्स सज्जाद हुसैन क्रेपक, ठेकेदार टाउनशिप डिवीजन, दुलहस्ती पावर स्टेशन, एनएचपीसी लिमिटेड किश्तवार, जम्मू और कश्मीर, के प्रबंधन के संबंध में नियोजकों और श्री अब्दुल लतीफ, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 चंडीगढ़ पंचाट (संदर्भ संख्या 50/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18/01/2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-16-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 70.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/2019) of the Central Government Industrial Tribunal cum Labour Court –II, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation The General Manager, Dulhasti Power Station, NHPC Ltd., Kishtwar, J&K; M/s Sajad Hussain Kraipak, Contractor Township Division, Dulhasti Power Station, NHPC Limited Kistwar, J & K, and Shri Abdul Latif, Worker, which was received along with soft copy of the award by the Central Government on 18/01/2024.

[No. L- 42025-07-2024-16- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH.**

Present: Sh. J.K. Tripathi, Presiding Officer-cum-Link Officer.

ID No. 50/2019

Registered on:-05.08.2019

Abdul Latif S/o Sh. Ab. Rashid, Mate, Township Division Dulhasti Power Station NHPF Ltd. Kishtwar, J & K.

.....Workman

Versus

1. General Manager, Dulhasti Power Station, NHPC Ltd. Kishtwar J & K-182206.
2. M/s Sajad Hussain Kraipak, Contractor Township Division, Dulhasti Power Station, NHPC Limited Kistwar, J & K-182206.
- 3.

.....Respondents/Managements

AWARD

Passed on:-08.06.2023

1. The workman Abdul Latif has filed the Certificate dated 15.01.2018 issued by the Conciliation Officer, Regional Labour Commissioner (C), Jammu regarding Failure of Conciliation Proceedings as provided under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter called the Act).
2. On 06.06.2023, the case was fixed in the Camp Court at Srinagar for filing claim statement by the workman. notice was issued to the workman which was duly served upon the workman. From the perusal of zimini orders it appears that on one day i.e. 03.12.2019 the workman was personally present. Mr. Sushil Kumar (General Secretary) was present and in his presence the case was fixed in Srinagar. The workman is given sufficient opportunities to file claim statement but none turned up in spite of the opportunity afforded to file claim statement, which shows that the workman is not interested in adjudication of the matter on merit.
3. Since the workman has neither put his appearance nor he has filed any statement of claim to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.
4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 71.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स भारत संचार निगम लिमिटेड, के प्रबंधन के संबद्ध नियोजकों और श्री किशलय घोष, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट(संदर्भ संख्या 19 OF 2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-15-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 71.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 19 OF 2018) of the Central Government Industrial Tribunal cum Labour Court – Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to Bharat Sanchar Nigam Limited, and Shri Kishalay Ghosh, worker, which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-42025-07-2024-15-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

CGIT-19 OF 2018

Shri Kishalay Ghosh Applicant/Employee

Versus

B.S.N. L. ... Opp. Parties

Appearance :

On behalf of the Applicant: Absent

On behalf of Opp. Party : Mr. Anil Kumar Gupta, Advocate

Date: 22nd November, 2023.

AWARD

The management of BSNL is found present through its Ld. Counsel.

The workman Sri Kishalay Ghosh who has raised the present dispute u/s 2A (2) of I.D. Act, 1947 is found absent when the matter is called. None appeared on his behalf on cause.

In fact the record shows, the workman has not been taking any step since 10-08-2023. So, a presumption can be drawn that workman is no more interested to pursue with the dispute raised by him or no more interested to challenge his termination from the service of a casual labour w.e.f. 31-03-2017.

That apart, no documentary or oral evidence have been adduced by the concerned workman to substantiate the claim made by him in his application. Apart from claim application of the workman there is nothing to decide the dispute.

In view of the above, no dispute award is passed. Accordingly, CGIT-19 of 2018 is disposed of.

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 72.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स ओरियन सिक्वोरिटी सॉल्यूशंस एवं अन्य, के प्रबंधन के संबद्ध नियोजकों और उनके कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 16 OF 2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल -40011/177/2013-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 72.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 16 OF 2014) of the Central Government Industrial Tribunal cum Labour Court – Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s. Orion Security Solutions & Ors., and their worker, which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-40011/177/2013-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA****Present :** Justice K. D. Bhutia, Presiding Officer.

REF. NO.16 OF 2014

Parties : Employers in relation to the management of**M/s. Orion Security Solutions : & Ors.****AND****Their Workman/Union**

Appearance:

On behalf of the Management of M/s. Orion Security Solutions : None

On behalf of the Management of M/s. ATC Telecom Infrastructure Pvt. Ltd : Smt. Rupama Bhattacharya.

On behalf of the Management of M/s. Bharati Airtel Ltd. : Smt. Sumana Biswas.

On behalf of the Workmen/Union : None

Dated: 4th October, 2023

AWARD

The contractor employer M/s. ATC Telecom Infrastructure Pvt. Ltd and principal employer M/s. Bharati Airtel Ltd. are present through their respective Ld. Counsels.

Contractor Employer M/s. Orion Security Solutions is found absent like the workman and the union which has espoused the present dispute. In fact from the record it appears that union and workmen have not been pursuing the matter since 24-04-2023 as they have stopped putting their appearance before the Tribunal.

Therefore, non-appearance of the Union and the workmen which have espoused the present dispute and non-pursuance of the dispute which they have raised, an inference can be drawn that they are no more interested to pursue with the dispute under reference or they no longer have any dispute against the concerned employer on the issue under reference.

However, Central Govt., Ministry of Labour vide Order No. L-40011/177/2013-IR(DU) dated 17-02--2014 referred the following dispute to this Tribunal for adjudication.

“Whether the action of management of M/s. Orion Security Solutions (A unit of Orion Facility Management Services Pvt. Ltd.) is justified by terminating the service of 4 nos. of workmen namely Shri Narayan Chandra Mitra, Shri Tarun Kanti Guha, Shri Pranab Ghosh and Shri Bhola Mondal is legal and/justified? If not, what relief the workmen are entitled to?”

Unfortunately, apart from the claim statement of the Union/workman, there is neither oral nor documentary evidence to substantiate the claim made by them in their written claim statement or to decide the issue under reference.

In view of the above, no dispute award is passed. Accordingly, Reference Case No.16 of 2014 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 73.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स इंडस टावर्स लिमिटेड और अन्य, के प्रबंधन के संबद्ध नियोजकों और उनके कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 66 OF 2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल -40011/30/2015-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 73.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 66 OF 2015) of the **Central Government Industrial Tribunal cum**

Labour Court – Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s. Indus Towers Limited & Anr, and their worker**, which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-40011/30/2015-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO. 66 OF 2015

Parties : Employers in relation to the management of

M/s. Indus Towers Limited & Anr.

AND

Their Workman/Union

Appearance:

On behalf of the Management of M/s Indus Tower Ltd.: Mr. Ranjay De.

On behalf of the Workman /Union : None

Dated: 4th October, 2023

AWARD

The management of Indus Towers Limited is represented by its Ld. Counsel Mr. Ranjay De.

None appears from the side of the contractor employer M/s. Welkin Telecom Infra Pvt. Limited. Record shows M/s Welkin Telecom Infra Pvt. Ltd has already been proceeded exparte.

Today too the workman and the union which have espoused the present dispute are found absent when the matter is called for hearing like on previous date. They have failed to comply order dated 08-08-2023 and failed to file show cause as called for. Therefore, a presumption can be drawn that workman Shri Purna Chandra Barik and Sri Monoj Dhar, the Secretary, Paschim Medinipur Zilla Security & Allied Services Workmen's Union are no more interested to contest the application dated 20-09-2019 filed by M/s. Indus Towers Ltd. for deletion of its name from order of reference and as well with the present dispute raised by them or maybe they no longer have any dispute against the concerned employer on the issue under reference.

Be that as it may, the Central Govt., Ministry of Labour & Employment vide order No.L-40011/30/2015-IR(DU) dated 16-09-2015 has referred the following issue to this Tribunal for adjudication:-

“Whether the action of the management of M/s. Welkin Telecom Infra Pvt. Ltd., contractor of M/s. Indus Towers Limited is justified by terminating the service of Shri Purna Chandra Barik is legal and/or justified? If not, what relief the workmen are entitled to?”

In view of the above, no dispute award is passed and Reference Case No.66 of 2015 is disposed of. Consequently, the application dated 20-09-2019 filed by M/s. Indus Towers Ltd. for deletion of its name from the order of reference is also disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 74.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता टेलीफोन, के प्रबंधन के संबद्ध नियोजकों और उनके कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 02 OF 2011) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-40011/22/2010-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 74.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 02 OF 2011) of the **Central Government Industrial Tribunal cum Labour Court – Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Calcutta Telephone, and their worker**, which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-40011/22/2010-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present: Justice K. D. Bhutia, Presiding Officer.

REF. NO. 02 OF 2011

Parties: Employers in relation to the management of

Calcutta Telephone

AND

Their Workmen

Appearance :

On behalf of Management, **Calcutta Telephone** : Mr. S.K. Karmakar, Advocate

Contractor Employer, **Union** : Mr. S.K. Ghosh, Advocate & Smt. D. Nag, Advocate

Dated 19th September, 2023

AWARD

Both sides are present through their respective Counsels.

Ld. Counsel for the union file a petition supported by an affidavit praying that it may be permitted to withdrawn the present reference case.

Such petition is taken up for hearing. Ld. Counsel appearing for the management submits that the I.D. Act Rule framed there is no where speaks the dispute referred by the Govt. for adjudication U/s 10 of the I.D. Act can be withdrawn either by the Govt. referring the same or by the Union which has originally espoused the dispute before Labour Commissioner who has failed to settle the dispute.

He submits at the most the Tribunal can pass “No Dispute Award”.

On the other hand Ld. Counsel appearing for the Union submit the same and similar dispute between the Union and Calcutta Telephone is pending before C.G.I.T. New Delhi being No. O.A.-670 of 2023. The Union wants to pursue with the matter pending before C.G.I.T. New Delhi. Thus, it want to withdrawn the present reference referred by the Govt. of India, Ministry of Labour vide order No. L-40011/22/2010-IR(DU) dated 23.05.2011, and where the dispute “Whether the demand of the Calcutta Telephone Contractor’s Mazdoor Sangh of asking regularisation/temporary status to such workers who have engaged by the Contractor’s w.e.f. 1992 to 2000, till date of the formation of BSNL is justified? What benefits the contract workers are entitled to?” has been referred for adjudication.

The policy or object of the I.D. Act is to secure and preserve good relation between the employers and their workmen and to maintain industrial peace. It is the duty of the Union to secure and preserve amity and good relation between the employer and employees. If the Union fails to settle the dispute with the management, then it has to seek assistance of the Labour Commissioner, the conciliation officer for settlement. If settlement as fails then last resort is that appropriate Govt. will constitute Labour Court or Tribunal for adjudication of the dispute U/s 10 of the I.D. Act and for that appropriate Govt. need to be satisfied that indeed there exists or apprehend that industrial dispute between the workmen and the employer. Once reference is made to an Industrial Tribunal U/s 10 of the I.D. Act then proceeding before the Tribunal is deemed to have commenced and the same is deemed to have concluded on the when award passed by Tribunal and become enforced U/s 17A of the Act.

Thus, the Act does not contain any provision specifically authorising the Industrial Tribunal to record withdrawal of Reference by the Union pass an award to that effect.

But, the fact remain the present reference has come into existence when the dispute is question was raised / espoused by the concerned Union. Since the Union which has espoused the dispute, but referred by the Govt. for adjudicate is not willing to proceed with the same, the Union should be allowed not to pursue with the dispute in view it has already initiated another proceeding on the same issues and which is pending before C.G.I.T. New Delhi.

Further, this Tribunal is of view, if no dispute award is passed as prayed by Ld. Counsel for the Employer, such order/award may have adverse effect in the merit of O.A.-670 of 2023 pending before CGIT New Delhi, where similar issue is under reference / consideration as General Principle of res-judicator may apply.

In view of the above the Union which has espoused the present dispute is permitted to withdrawal its dispute against the Management of Calcutta Telephone and in respect of issue under reference.

Accordingly, the present reference case No. 02/2011 is disposed of. An award of withdrawal of the issue/dispute under reference is passed.

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 75.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और कृष्णा देवी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (69/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-13]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 75.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.69/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Krishna Devi.Worker.

[No. L-12025/01/2024- IR(B-I) -13]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.69/2016

Registered On:-11/11/2016

Krishna Devi W/o Raj Kumar C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-07.12.2023

1. The workman Krishna Devi has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 76.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और jkuh, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (70/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-I)-14]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 76.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.70/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court-I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala**, and Rani.Worker.

[No. L-12025/01/2024- IR(B-I)-14]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Offier, Chandigarh.

ID No. 70/2016

Registered On:-11/11/2016

Rani W/o Balvir Singh, C/oHarpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

Award

Passed On:-07.12.2023

1. The workman Rani has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 77.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन, कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और परगट सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (71/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-15]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 77.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.71/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Pargat Singh.Worker.

[No. L-12025/01/2024- IR(B-I) -15]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 71/2016

Registered On:-11/11/2016

Pargat Singh S/o Jaggu Singh C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-07.12.2023

1. The workman Pragat Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 78.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सनशाइन गार्डनर्स; मेसर्स हिंदुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री गणेश शिवराम सरवदे के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, पुणे, पंचाट (रिफरेन्स न.-390/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2023- आईआर(एम) -62]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 78.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 390/2018**) of the **Industrial Tribunal cum Labour Court, Pune** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Sunshine Gardeners; M/s Hindustan Petroleum Corporation Limited** and **Shri Ganesh Shivram Saravade** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. Z-16025/04/2023-IR(M)-62]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, LABOUR COURT NO. 2, PUNE

(Presided over by Dr. D.U. Dongare)

Ref IDA No. 390 of 2018

Exh.O-

First Party

:

1)

M/s Sunshine Gardeners,
Shilavihar Colony, Erandawane,
Pune (MS)- 411038
2) The Principal,
M/s Hindustan Petroleum Corporation Ltd.
Petroleum House, 17, Jamshedji Tata Road,
Old Mumbai Pune Road, Nigdi,
Pune (MS) 411019
AND

Second Party

:

Shri Ganesh Shivram Saravade,
Survey No. 126, Babu Bhandari Chowk,
Near Somnath Mandir, Anand Nagar,
Chinchwad, Pune (MS)-411019

AWARD

(Date: 18/03/2023)

1. The Dy. Commissioner of Labour Pune referred this reference u/s 12(5) of the Industrial Disputes Act, 1947.
2. After receipt of the reference notice issued to the second party. Despite of service of the summons second party did not appear and proceed with the matter. The sufficient opportunity has been given to the second party. Despite it has not filed the statement of claim. There is no progress in the matter. The second party is not interested to proceed with this reference. So, no purpose would suffice by keep this reference pending in the court.
3. Hence, I passed the following order

Order

1. Reference is answered in the negative due to want of prosecution.
2. Copy of this order be sent to Dy. Labour Commissioner, Pune for publication as per rule.

Dr. D. U. DONGARE, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 79.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स प्रिज्म जॉनसन लिमिटेड; श्री कांटेक्टर** के प्रबंधन के संबद्ध नियोजकों और **जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-07/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. जेड -16025/03/2023- आईआर(एम)-10]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 79.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 07/2022**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Prism Johnson Limited; Shree Contractor** and **Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. Z-16025/03/2023-IR(M)-10]

DILIP KUMAR, Under Secy.

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****NO. CGIT/LC/C/07/2022**

- (1) Nirbhay Singh Baghel, Aged about 33 years, 18/o Shri Abhay Raj Singh Baghel, R/o Gram & Post: Tyondhari, Tahsil: Rampur Baghelan, District: Batna (M.P)
- (2) Jila fiatna Cement Steel Fondary Khadan Kamgar Union, Through, General Secretary, Mr. Ramsaroj Kushwaha, Sant Nagar, Ghur Daang, Ward No.11, Post: Birla Vikas, Satna (MP)

APPLICANT**VERSUS**

- (1) Prism Johnson Limited, (Formerly) Prism Cement Limited, Through, Factory Manager, Mr. Gopal Sharma, Village: Mankahari, Post: Bathia, Tahsil: Rampur Baghelan, District: Satna (BMP)- 485111
- (2) Shree Contractor, Through, Partner, Mrs. Suman Singh, Village: Mankahari, Post: Bathia, Tahsil: Rampur Baghelan, District: Satna (MP) - 485111

O/o 273, CPIM Bhawan, Bus Station, Sultanpur (UP) 228001

NON-APPLICANT**ORDER****Passed on this 07th day of 2023**

The Present petition has been filed by workman union under section 33 of Industrial dispute Act management has filed its written objection. Both the parties have filed affidavits.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal n presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the petition deserves to be dispose in the light of settlement memo and is disposed accordingly.

Dated:07-12-2023

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 80.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स श्री दीपक कुमार हलदर और 3 अन्य, के प्रबंधन के संबद्ध नियोजकों और कमांडर वर्क्स इंजीनियर, सीडब्ल्यूई प्रोजेक्ट और अन्य, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 08 of 2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-18-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 80.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 08 of 2018) of the **Central Government Industrial Tribunal cum Labour Court – Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Shri Dipak Kumar Halder & 3 Others., and, The Commander Works Engineer, CWE Project & Ors**, which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-42025-07-2024-18-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUS/TRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

CGIT-08 of 2018

Shri Dipak Kumar Halder & 3 Others. ..Applicants/Employees

Versus

The Commander Works Engineer, CWE Project & Ors. ... Opp. Parties.

Appearance :

On behalf of the Applicants : Mr. Atindra Nath Mishra, Advocate

On behalf of the Opp. Parties : Absent.

Date: 27th October, 2023

AWARD

This is a case under section 2A(2) of the Industrial Dispute Act, 1947 filed by four alleged retrenched workmen against the principal employer Defense Department/Commander Works Engineer, CWE Project, Kolkata, the contractor employer M/s. Makloyed Electrical Enterprises and against Assistant Labour Commissioner- Central.

The facts of the case in a nut shell is that to operate Lifts situated at P-128, Yamuna Building (Navy), Ballygunge Maidan Camp, Kolkata- 700 019 the Commander Works Engineer, CWE Project, Kolkata engaged M/s. Makloyed Electrical Enterprises to provide Lift Operators.

It is the case of the applicant workmen that they were appointed by the contractor employer sometime in the year 1997 and in the year 2006 to work as Lift Operators in the above mentioned building situated at Ballygunge Maidan Camp. That all on a sudden their employers dismissed them from service without serving them any notice or without any disciplinary proceeding w.e.f 24-05-2017. That the employer have indulged in unfair labour practice and terminated them from the service without complying the mandatory provision of law. That they have raised the dispute before the Labour Commissioner but none of the employers appeared in the conciliation proceeding. Thus, they have prayed that their dismissal from the service as Lift Operators from 24-05-2017 is illegal, unjust, mala fide and prayed for reinstatement with full back wages and any other relief to which they are entitled.

The record shows the principal employer Garrison Engineer (Navy and Coast Guard) have put their appearance and filed their statement of defense and where they have alleged that the applicants are not their employees. They never appointed the applicants as their employees and they never terminated them from the service.

That there exists no relationship of employer and employee in between them and the applicant workmen. Thus, they have prayed for dismissal of the application.

The record further shows the contractor employer M/s. Makloyed Electrical Enterprises had put its appearance through its Lawyer but ultimately failed contest the case by filing written objection. Further, record shows the principal employers too have ultimately failed to proceed with the case. Thus, both the principal employer and the contractor employers have been proceed exparte.

However, it is not known why the applicants have made Assistant Labour Commissioner-Central as a party to this proceeding when they have not sought for any relief against it. Be that as it may, the applicants in order to prove their case and claim have examined Sri Sanat Kumar Das as W.W. No.1, Sri Tapash Sen as W.W. No.2 and Sri Samir Kumar Das as W.W. No.3. They have filed Xerox copy of union's letter dated 24-06-2017, conciliation memo issued by the Assistant Labour Commissioner- Central, Kolkata dated 06-07-2017, Xerox copy of proceeding before the Assistant Labour Commissioner-Central dated 25-08-2017 and 12-09-2017 and photocopy of certificate issued by Assistant Labour Commissioner- Central u/s 2A of the Industrial Dispute Act and which have been marked as Exhibit-W/1 to W/5.

From Exhibit-1 it appears that General Secretary, Coordination Committee of M.E.S. and others related Defense Workers Union in West Bengal has raised an industrial dispute u/s 2A of the I.D. Act against illegal termination of four Liftmen namely Sri Sanat Kumar Das, Sri Dilip Halder, Sri Tapash Sen and Sri Samir Kumar Das by M/s. Makloyed Electrical Enterprises, an agency of Garrison Engineer (Navy & Coast Guard) under Head Quarter, Commander Works Engineer, Kolkata, B.M. Campus, Kolkata- 700 019 w.e.f. 23-03-2017 and alleged those liftmen were retrenched when Sri Sailesh Kumar Maurya could not extract personal benefits from those liftmen.

But three workmen who have deposed as W.W. No.1 to W.W. No.3 in their evidence in chief on affidavit have admitted that they were appointed to work as Liftman at P-128, Yamuna Building (Navy), Ballygunge Maidan Camp, Kolkata- 700 019 by M/s. Makloyed Electrical Enterprises in the year 1997 and 2006 and not by Garrison Engineer Sri Sailesh Kumar Maurya. From such admitted evidence of the concerned workmen it appears they were employees of M/s. Makloyed Electrical Enterprises a service provider of the Garrison Engineer and not that of Commander Works Engineer, Kolkata.

Further, it is the case of the workmen that they have been working for M/s. Makloyed Electrical Enterprises since 1997 and 2006. They in their claim statement as well as in their evidence in chief on affidavit have stated that they were/are covered by ESI Act and EPF & MP Act. Unfortunately, they have failed to produce EPF Account Slips and ESI Identity Cards to prove indeed they were working for M/s. Makloyed Electrical Enterprises since 1997 and 2006 as Liftmen in the Defense Quarter situated at P-128, Yamuna Building (Navy), Ballygunge Maidan Camp, Kolkata- 700019. In fact, no documentary evidence whatsoever have come on record to show that the applicants were in the employment of M/s. Makloyed Electrical Enterprises save and except the oral evidence of those applicants. Further, nothing has come on record to prove that they worked continuously for more than 240 days in a calendar year prior to their alleged retrenchment/termination for M/s. Makloyed Electrical Enterprises. Thus, they having failed to prove that they worked for more than 240 days in a calendar year with M/s. Makloyed Electrical Enterprises as a Liftman at P-128, Yamuna Building (Navy), Ballygunge Maidan Camp, Kolkata- 700 019, this Tribunal does not find violation of provision of section 25-F of the I.D. Act by the contractor employer. Therefore, the applicants/workmen are not entitled to get any benefits as provided u/s 25-F of the Industrial Dispute Act. Therefore, the present applicants are not entitled to claim reinstatement with full back wages as prayed for. Consequently their termination, if any, cannot be held illegal and improper.

Accordingly, the application u/s 2A filed by the Applicants is dismissed and CGIT-08 of 2018 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 81.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स निदेशक, एसएआई, नेताजी सुभाष ईस्टर्न सेंटर, साल्ट लेक सिटी, कोलकाता; प्रोपराइटर, मेसर्स सामान्य सुरक्षा एवं सूचना सेवा, कोलकाता, के प्रबंधन के संबंध में नियोजकों और उनके संघ/कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 12 OF 2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-42011/47/2018-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 81.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 12 OF 2018) of the **Central Government Industrial Tribunal cum Labour Court – Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, SAI, Netaji Subhash Eastern Centre, Salt Lake City, Kolkata ;The Proprietor, M/s. General Security & Information Service, Kolkata, and, Their Union/Worker**, which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-42011/47/2018-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present: Justice K. D. Bhutia, Presiding Officer.

REF. NO. 12 OF 2018

Parties: Employers in relation to the management of

SAI, Netaji Subhash Eastern Centre

AND

Their Union/Workmen.

Name of the Parties:-

1. The Director, SAI, Netaji Subhash Eastern Centre, Salt Lake City, Kolkata- 700 098.
2. The Proprietor, M/s. General Security & Information Service, 7/C, Abinash Ch. Banerjee Lane (East Beliaghata), Kolkata- 700 010.

– Versus –

The General Secretary, SAI Contractor's Workers Union (INTUC), Netaji Subhash Eastern Centre, KA Block, Sector-III, Salt Lake City, Kolkata- 700 098.

Appearance:

On behalf of the Principal Employer: None

On behalf of the Contractor Employer: None

On behalf of the Workmen: Sri B. Roy, Advocate.

Dated: 07th December, 2023

AWARD

Govt. of India, Ministry of Labour vide Order No. L-42011/47/2018- IR(DU) dated 10-09-2018 in exercise of the power conferred under section 10(1)(d) and (2A) of the Industrial Dispute Act, 1947 has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the management of SAI, NSEC, Salt Lake City, Kolkata and their service provider M/s. General Security and Information Service in terminating the services of workmen (as per list enclosed) without following the provisions of Sec.25-F of I.D. Act, 1947 is legal and justified ? If not, what relief the concerned group of workmen is entitled to?”

The case of the Union as per its claim statement in gist is that all workmen except five as per the list enclosed with the reference order are Security Guards and they have been working for Sports Authority of India (SAI), Netaji Subhas Eastern Centre since the early part of 1983 and they have rendered at least 34 years of services to the SAI. Initially they were working directly under SAI as casual security guards and were paid through vouchers. At the time of their entry as security guards there was no specific qualification for recruitment framed statutorily or otherwise by SAI. However, all the workmen were within the eligible age limit and had passed VIIIth standard.

After rendering three to four years of services directly under SAI suddenly they were shifted to the rolls of Contractors of SAI. That they have continued to work for SAI as Security Guards but under different contractors. The workmen having no bargaining power had to accept the unfair labour practice adopted by SAI by shifting them from its direct pay roll to different contractors engaged by it from time to time. That they have been working for decades as security guards for SAI under different contractors against permanent sanctioned vacant posts.

It has also been alleged that it has absorbed three security guards namely Sri Malay Adhikary, Sri G.B. Rana and Sri Sujit Mondal engaged through contractor as Group-D staff. Earlier SAI used to pay minimum wages as per Central Govt. rate but suddenly from 2013 onwards they were paid minimum wages as per the rate fixed by Govt. of West Bengal. The union challenging the change in minimum wages from Central Govt. rate to State Govt. rate raised a dispute before the Regional Labour Commissioner (Central), Kolkata but during the pendency of such dispute new tenders were invited from the contractors/ service providers. Further, the authority of SAI informed the Union on 6th October, 2016 about engagement of security guards through DGR sponsored agencies. Accordingly, SAI floated tenders to engage security guards through DGR sponsored security agencies. In spite of floating of tender to engage DGR sponsored security agencies SAI continued to avail the service of the present workmen till engagement of DGR sponsored agency named M/s. 3743/ Samar Ghosh Security Agency from the midnight of 31st March, 2017. Challenging such arbitrary and unilateral decision of the SAI the Union raised a dispute before the Central Administrative Tribunal, Kolkata being O. A. No. DY No.01 of 2017 along with M.A. No 02 of 2017, but Hon'ble Central Administrative Tribunal, Kolkata dismissed both the applications on the ground of jurisdiction but given liberty to the workman to approach the appropriate forum under the Industrial Dispute Act on 06-09-2017. Accordingly, they raised a dispute before the Deputy Labour Commissioner (Central) but reconciliation failed and as such their dispute was referred to the Ministry.

In the meantime, SAI invited a tender for security guards from DGR sponsored Agencies. Challenging such decision the Union filed a Writ Petition being No. 8817(W) of 2018 before the Hon'ble High Court, Calcutta for inclusion of their names in the list. The said writ petition was disposed of in their favour directing deletion of Appendix-II from the NIT but with non-interference with the tender process. SAI invited a fresh tender from DGR sponsored agencies on 09-10-2018.

The Hon'ble High Court passed an order in W.P. No.8817(W) of 2018 on 20-06-2018 with the observation "old Agency security guards must not be continued by the new agency". They have also alleged, though different contractors were changed but the same set of security guards continued to work for SAI and which prove that SAI is the real employer of those contractors' workmen.

It has further alleged, Central Govt. by issuing a notification dated 09-12-1976 prohibited employment of contract labours for watching of building w.e.f. 01-03-1977 and as such the workmen who are the security guards cannot be appointed through contractors. Therefore, they have alleged they should be deemed to be the employees of the principal employer.

They have further alleged that the services of the concerned workmen were terminated verbally without serving any notice and without payment of retrenchment compensation in violation of section 25-F of I.D. Act. Thus, they have prayed for regularisation of their services, for cancellation of letter dated 28th March 2017, to pay them the Central Govt. pay scale or the minimum wages rate along with arrears and interest and not to restrain them from working in the SAI complex and other reliefs to which they are entitled to.

SAI had put appearance and filed written statement where it has categorically denied the case and claim made by the workmen and alleged that there exist no relationship of employer and employee between the SAI and those workmen. They were never appointed by SAI as SAI has sourced out job of security guards to private contractors and latter to DGR sponsored agencies. That SAI never terminated the services of those workmen as they were never employed by SAI. The security guards provided by the contractors are paid wages by the contractors and not by SAI. Thus, it has alleged that the prayer of the union is devoid of any substantive ground and therefore prayed for rejection of the reference. However, ultimately it has failed to pursue with the case and as such it has been proceeded ex parte.

The contractor employer M/s. General Security & Information Service too had put appearance but ultimately it has failed to contest the reference by filing written statement. The reference is proceeded ex parte against it.

The record shows the union in order to prove its claim and case as made out in their claim application has examined Sri Subhash Kumar Rai, one of the alleged workmen as W.W. No.1 and who has produced certified copy of order passed in W.P. No.8817(W) of 2018 dated 20-06-2018, certified copy of order passed in W.P. No.13397(W) of 2017 on 15-05-2017 and certified copy of order passed by CAT in O.A. No.1/2017/ M.A.2/2017 on 06-09-2017 and which have been marked as Exhibit-W-1 to W-3. Unfortunately neither SAI nor the contractors cross examined the witness or contested the case and as such both the employers have been proceeded ex parte.

Having considered the submission made by Ld. Counsel for workmen and written notes of argument filed by the Union/workmen it appears that the workmen have been claiming to be working as security guards for SAI since 1983, initially directly under the SAI and latter under different contractors engaged by SAI. They have been terminated from the services after engagement of DGR sponsored security agencies in the year 2017 and who provides ex-servicemen as security guards.

The union/workmen in their claim statement have stated that initially SAI paid wages to them directly through vouchers but unfortunately not a single scrap of paper or vouchers have been produced by workman to show

that those workmen were indeed engaged by SAI in the year 1983 directly and they were paid wages directly by SAI through vouchers.

Further it is the case of those workmen that they continued to work for SAI as security guards after the engagement of contractors or service providers by SAI but they failed to produce any document to prove indeed they were later absorbed by those contractors engaged by SAI.

The cause title of the claim application shows that present dispute has been raised by 45 employees. Therefore, in view of the provision of EPF & MP Act, 1947 an establishment engaging more than 20 workmen are required to be covered under the Act of 1947. That the principal employer as well as the contractor employers are responsible to carry out the statutory responsibilities imposed upon them by the provisions of the Act of 1947. Unfortunately, the workmen have failed to produce their pay slips issued either by the principal employer or by those contractor employers or P.F. slips to prove indeed they were working under different contractors for years together for SAI as security guards. In fact apart from the oral evidence of W.W. No.1 and the three certified copies of orders passed in writ petitions nothing has come on record to prove indeed those 45 workmen were engaged as security guards in SAI either by SAI or through contractors. That mere statement of a witness and averments in the claim statement that those 45 workmen were working for SAI directly or through contractor for more than 34 years will not itself prove such fact until and unless such fact is corroborated and substantiated by documentary evidence.

Further, it has been alleged that as per the Central Govt. notification dated 09-12-1976 issued under clause 10 of Contract Labour (Regulation and Abolition) Act, 1970 SAI was prevented from engaging any security guards through contractors. Unfortunately, the union or the workmen have failed to produce such notification before this Tribunal to show that SAI was prevented from engaging a contractor to provide security guard to its complex at Salt Lake City or that there exist sanctioned permanent posts of security guards in SAI or that SAI is prevented from outsourcing the job of security guards.

Having regards to the facts and circumstances of the case and the evidence that have come on record, it appears the present workmen have raised the present dispute on the basis of orders passed by the Hon'ble Central Administrative Tribunal and in writ petitions. Exhibit-W-3 is the order passed by the CAT, Kolkata in D.Y. No. 1 of 2017 and M.A. No.2 of 2017 on 06-09-2017. It shows they have moved CAT for regularisation or absorption in respective status on which they had been working since the date of their entry into service with SAI, for cancellation of letter dated 28-03-2017, for payment of minimum rate of wages as per Central Govt. rate along with arrears and interest and to restrain SAI from disturbing their service. The Hon'ble Central Administrative Tribunal was pleased to dismiss the case with the finding that concerned workmen not being persons holding civil post the CAT has no jurisdiction to entertain their case. However, they were given liberty to approach the appropriate forum under I.D. Act, 1947 for redressal of their grievances.

Exhibit-W-2 appears to be order dated 15-05-2017 passed by the Hon'ble High Court, Calcutta in Writ Petition No.,13397(W) of 2017. From where it appears that SAI had moved the Hon'ble High Court to restrain the present 45 workmen from disturbing the smooth functioning of the stadium. While disposing such writ petition the Hon'ble High Court directed parties to the writ petition not to take law and order in their own hands and create any breach of public peace and tranquillity so as to hamper the smooth functioning of the stadium or sporting activities undertaken therein and in case if there is any breach of peace committed by present workmen then SAI will be at liberty to bring the incident to the notice of the Commissioner, Bidhannagar Police Commissionerate and who would cause due enquiry and would cause due enquiry and take necessary remedial measures for smooth functioning of the stadium in accordance with law.

Exhibit-W-1 order passed in Writ Petition No. 8817 of 2018 on 20-06-2018 and from where it appears challenging the notice inviting tender inviting bids from reputed and registered agencies/ firms for security service and an Appendix-II enclosed with such NIT with title "list of persons not to be migrated in SAI, NSEC, Salt Lake Campus, Kolkata and SAI, STC, Kolkata and which includes the names of the present workmen. The Hon'ble High Court while disposing such writ petition deleted the Appendix-II from the NIT but allowed SAI to proceed with the tender process.

So, it appears the concerned workmen being the employees of the contractors have raised all the above disputes to prevent SAI from engaging security guards from DGR sponsored agencies which provide ex-servicemen as guards to the different Govt. establishments.

Now, it is settled law that merely because of a temporary employee or a casual wage workers is continued for a time beyond terms of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following the due process of selection as envisaged by the relevant rules. A contractual appointment comes to an end at the end of the contract. If it were an engagement or appointment on daily wages or casual basis the same would come to an end when it is discontinued. Similarly, a temporary employee cannot claim to be made permanent on the expiry of his terms of appointment. There is no fundamental right in those who have been employed on daily wages or temporary or on contractual basis to claim they have right to be absorbed in service as they cannot be said to be holder of a post.

A regular appointment can be made only by making appointments consistent with the requirement of Article 14 and 16 of the Constitution.

The Hon'ble Supreme Court in the Secretary, State of Karnataka-vs- Uma Devi & Ors, held Public employment in a sovereign socialist secular democratic republic, has to be as set down by the Constitution and the laws made thereunder. Our constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark and the Constitution has provided also for affirmative action to ensure that unequal are not treated equals. Thus, any public employment has to be in terms of the constitutional scheme. A sovereign government, considering the economic situation in the country and the work to be got done, is not precluded from making temporary appointments or engaging workers on daily wages. But, a regular process of recruitment or appointment has to be resorted to, when regular vacancies in posts, at a particular point of time, are to be filled up and the filling up of those vacancies cannot be done in a haphazard manner or based on patronage or other considerations. Regular appointment must be the rule. That regularisation cannot be mode of recruitment. In the present case the workmen have failed to prove that there exist permanent sanctioned posts of security guards in SAI and they possesses all the qualification to be appointed as security guards.

The order of reference speaks about termination of service of those 45 workmen by SAI and its service provider M/s. General Security and Information Service without following the provisions of section 25-F of the I.D. Act, but in the claim statement the workmen have sought absorption and regularisation in permanent posts in SAI and for payment of minimum wages as per Central Govt. rules, for declaration that letter dated 28-03-2017 to be illegal and not to disturb their service as security guards in SAI. Such prayers of the workmen as made out in their claim petition suggest that they were still in service and the service was not terminated without following the provisions of section 25-F as mentioned in the order of reference. There is inconsistency in between the prayer made in the claim application filed by the workmen in the Tribunal and the dispute which they have raised before the Labour Commissioner and whose failure report the Govt. has referred the schedule dispute to this Tribunal for adjudication.

In view of the above, this Tribunal holds the concerned workmen have failed to prove their termination from service of Security Guards by SAI or by the contractor M/s. General Security Information Service. In fact it appears the contract of M/s. General Security Information Service with SAI had come to an end after the direction of the Govt. to engage DGR sponsored agencies to engage ex-servicemen as security guards in public undertakings and Govt. establishments. With the termination of contract with M/s. General Security Information Service, the employer of the present workmen with SAI the service of the concerned workmen as security guards with SAI will come to an end. They being contractor's employees cannot claim continuation in service as security guards in SAI after the termination of contract of their contractor employer.

Accordingly, Reference Case No. 12 of 2018 is dismissed and award to that effect is passed.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 82.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स भारतीय कंटेनर निगम एवं अन्य, के प्रबंधन के संबद्ध नियोजकों और श्री सिबाश चौ. बिस्वास (मृतक) द्वारा -प्रतिस्थापित श्रीमती माधवी बिस्वास और दो अन्य, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 17 OF 2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-17-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 82.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 17 OF 2018) of the **Central Government Industrial Tribunal cum Labour Court – Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Container Corporation of India & Anr., and Shri Sibash Ch. Biswas (Deceased) substituted by Smt. Madhabi Biswas and two others, worker**, which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-42025-07-2024-17-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

CGIT-17 OF 2018

Shri Sibash Ch. Biswas (Deceased) substituted by Smt. Madhabi Biswas and two others.

..... Applicant/Employee

Versus

Container Corporation of India & Anr.

... Opp. Parties

Appearance :

On behalf of the Appellant : None

On behalf of Opp. Party , Mr. Debasis Sarkar, Advocate.

Date: 7th November, 2023.

AWARD

None of the substituted legal heirs of the deceased workman put appearance and files rejoinder as well show cause as called for, when the matter is called.

However, the principal employer Container Corporation of India Ltd. is present through its Ld. Counsel.

Record shows the substituted legal heirs have not been taking any steps since 25-07-2023. Therefore, a presumption can be drawn that they are no more interested to pursue with the present case filed under section 2A (2) of the Industrial Dispute Act, by Subash Chandra Biswas, an ex-Army Man who was appointed as a Security Arms Guard by Container Corporation of India Ltd. though M/s. Bengal Sainik Punarvas Corporation Ltd., whereby he had challenged his alleged illegal termination by Container Corporation of India Ltd. w.e.f. 01-11-2017 and who had died during the pendency of this proceeding.

Further, there is neither oral or documentary evidence in record to substantiate the case of the deceased workman that he despite having put more than 12 years of service as a Security Amr Guard for Container Corporation of India Ltd. he was illegally terminated from the service` on 01-11-2017.

Further, nothing has come on record to prove that he was appointed as a permanent Security Armed Guard by Container Corporation of India Ltd. and as such before terminating his service the Container Corporation of India Ltd. has failed to frame charge against him and initiate a domestic enquiry or that there was a violation of provision of section 25-F of the I.D. Act.

In view of the above, no dispute award is passed. Accordingly, CGIT No.17 of 2018 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 83.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-41/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/8/2016-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 83.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 41/2018) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Prism Cement Limited and The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/8/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/41/2018****Present: P.K.Srivastava****H.J.S..(Retd)****The General Secretary,****Jila Satna Cement Steel Foundry Khadan Kamgar Union,****Sant Nagar, Dhurdang, Ward No. 11,****Post-Birla Vikas, Satna (MP)-485005.****Workman****Versus****M/s Prism Cement Limited,****Village-Mankahari,****Tehsil - Rampur-Baghelan,****District-Satna (MP)-485111.****Management****AWARD****(Passed on this 7Th day of December-2023.)**

As per letter dated 19/09/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/8/2016-IR(M) dt.19/09/2018 . The dispute under reference related to :-

"Whether 152 members of Zila Sama Cement Steel Foundry Khadan Kamgar Union, Satna (as submitted vide letter dated 28.03.2016) working as Security Guards is M/s Prism Cement Limited, Satna through contractor are "workman" as per Section 2(s) of ID Act, 1947?

If yes, whether Zila Satna Cement Steel Foundry Khadan Kamgar Union, Satna has locus standi to raise the industrial dispute for regularization and payment of wage difference including allowances for permanent regular post, for their 152 members in M/s Prism Cement Limited, Satna under ID Act, 1947?

If yes, whether the demand of Zila Satna Cement Steel Foundry Khadan Kamgar Union, Satna as submitted vide letter dated 28.03.2016 for regularisation of their 152 members (copy enclosed as Annexure-A) and payment of wage difference including allowances for permanent regular post in M/s Prism Cement Limited, Satna is proper, just and legal? If yes, what reliefs the workmen concerned are entitled to and from which date? What directions, if any are necessary in the matter?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 84.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नॉर्दर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद

में d\lnh; l j dkj vks\ kfxd vf/kdj.k - सह - Je U; k; ky; , कानपुर के पंचाट (l nHkZ l a[; k 19/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05@01@2024 को प्राप्त हुआ था।

[सं. एल-22012/129/2008-आई.आर.(सीएम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 18th January, 2024

S.O. 84.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 19/2009**) of the **Central Government Industrial Tribunal-cum-Labour Court, Kanpur** as shown in the Annexure, in the industrial dispute between the Management of **Northern Coalfields Limited** and their workmen, received by the Central Government on **05/01/2024**.

[No. L-22012/129/2008 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

Before Shri Soma Shekhar Jena, Presiding Officer

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT

KANPUR

PRESENT

SOMA SHEKHAR JENA

HJS (Retd.)

I.D. No. 19 of 2009

BETWEEN

Shri K.D. Tiwari

C/O Rashtriya Colliery Mazdoor Sangh,

Northern Coalfields Limited , Khadia Project,

PO: Khadia, Sonebhadra(U.P.)

AND

The Chief General Manager,

Northern Coalfields Ltd.,

Khadia Project, Khadia , Dist. Sonebhadra

SONEBHADRA (U.P.)

Award

This Award arises on the reference communicated to this Tribunal by notification no. L-22012/129/2008-IR(CM-II) dated 27.02.2009 issued by the Govt. of India stated in the schedule below:-

“Whether the demand of Rashtriya Colliery Mazdoor Sabha that Shri K.D. Tiwari, Dumper Operator should get wages at par with his batch mate Shri Sangram Singh , Dumper Operator as he is senior to him is legal and justified? If so, to what relief is the workman concerned entitled?”

The averments made by claimant Krishna Dev Tiwari concisely stated here in below :-

Claimant workman Krishna Dev Tiwari joined as Dumper Operator and was absorbed as permanent employee in the employment of Northern Coalfields Limited. He was initially posted in Amlori project but was later shifted to Khadia project. It is claimed by the claimant that he was promoted to higher grade with effect from 16.04.97 but was not given promotional benefits . Sangram Singh was promoted to the post of Dumper Operator (Grade-I) with effect from 10.06.99. It is claimed by the claimant Krishna Dev Tiwari that his effective date of promotion as Dumper Operator(Gr-I) was 16.04.97 and as such he is entitled for wages at par with the wages of Sangram Singh. The averments of the O.P. management are summarized as below:-

O.P. management admitted that Krishna Dev Tiwari, Sangram Singh and others were appointed in Amlori Project on the post of Driver (T) category (II) which effect from 06.06.89 and after completion of training they were regularized on the post of Driver Cat.(V) which effect from 06.06.90 thereafter, on the recommendation of the committee Shri Krishna Dev Tiwari and Shri Sangram Singh were selected to work as Dumper Operator (T) for one year as per the order dated 16.04.93. Later, K.D. Tiwari, Sangram Singh and others had been absorbed in the post of Dumper Operator grade-I with effect from 16.04.94. K.D. Tiwari was transferred from Amlori Project to Khadia Project and in Khadia Project K.D. Tiwari was promoted as Dumper Operator Grade-II by office order no. 409 dated 10.04.99 but effective from 16.04.97. Sangram Singh was promoted to the rank of Dumper Operator Grade-I with effect from 10.06.99 as per office order no.4138 dated 29.07.99. The pay of Sangram Singh was fixed at one stage higher than the pay allowed to Shri Krishna Dev Tiwari. O.P. management has taken the stand that K.D. Tiwari and Sangram Singh were working in two different projects and their seniority was not considered on the same seniority list. In substance it is the stand of the O.P. that the Dumper Operators of Amlori Project and the Dumper Operators in Khadia project were not similar employees of similar gradation list. They were working under dissimilar environment. O.P. has admitted that to remove the anomaly one circular was issued by the O.P management. The relevant language in the circular is quoted as follows-

Both the senior and the junior employees should belong to the same cadre and the post in which they have been promoted and covered by the same seniority of the same cadre. O.P. has assorted for rejection of the claim of K.D. Tiwari for pay at par with Sangram Singh. In the rejoinder claimant workman has reiterated his claim and has pointed out discrimination towards him in the matter of payment of wages.

The points to be answered in this proceeding are as follows-

1. Whether K.D. Tiwari Dumper operator is legally entitled to get wages at par with his batch mate Shri Sangram Singh.
2. What relief claimant workman Krishna Dev Tiwari is legally entitled to get?

Point No. 1

It is the case of the claimant that he was appointed on 06.06.1989 as driver Cat.(V) on basic pay Rs.39.34(NCWA-IV) and that he was subsequently regularized as driver Cat.(V) on 06.06.90 and his pay was fixed at Rs. 73.22 with effect from 01.07.91. At this point it appears pertinent to state that on reading of the scales paid to Krishna Dev Tiwari and his contemporary Sangram Singh it is clear that till 01.07.96 both Krishna Dev Tiwari and another contemporary driver Shri Sangram Singh were allowed to get wages from the Northern Coals Fields at Rs. 186 with effect from 01.07.96. It has been pleaded on behalf of the O.P. management that Sangram Singh and Krishna Dev Tiwari though were appointed as Dumper operators they had served in different projects such as Amlori project and Khadia Project respectively. It is manifestly clear that both the projects are under the common management of the Northern Coal Fields Ltd. It is pleaded by the O.P. management that they were operating separate machines and as such the claim of Krishna Dev Tiwari for equal wages is not sustainable in eye of law.

On going through the oral and documentary evidence and the pleadings of the parties it is otherwise clear that no where it has been clarified that Sangram Singh was given higher salary than Krishna Dev Tiwari for handling sophisticated machine, rather it is well found that though Krishna Dev Tiwari had been transferred to Khadia Project from Amlori project he was allowed promotion by order dated 10.04.1999 effective from 16.04.1997 but was not allowed to draw the increments for June, 1997. Such action of the management giving promotion to an employee without consequential financial benefits appears to be highly questionable. On going through the pleadings and the evidence it is seen that their initial appointment was on consideration of same educational qualification on 06.06.1989. Hence the stand of the O.P. that they were operating different machines does not strengthen the stand of the O.P.. During course of hearing of this proceeding attention of this Tribunal was drawn to the circular issued by the management on date 03.05.2007 (page 14, Paper no.8/17). The contents of this circular rather bolsters up of the claim of the claimant workman for getting wages at par with his batch mate Shri Sangram Singh Dumper Operator. For the sake of clarity it can be stated here that under one management two persons appointed on the same date and allowed same wages till 01.07.1996 cannot be given separate salaries without specifications of the nature of duties assigned to them. Prima facie it is seen that claimant workman was promoted to the cadre Gr. 1(GR.B) Dumper Operator on 16.04.1997 where as Sangram Singh was promoted to the cadre of senior D/ Optr on 29.07.1999. This fact has not been demolished by the O.P. management with strong evidence. Rather it is seen that the circular dated 03.05.2007 has been wrongly applied in case of the claimant workman. It may not be correct to say that Krishna Dev Tiwari was senior to Sangram Singh but his claim for wages at par with Shri Sangram Singh cannot be discarded. In view of the foregoing discussions the above point is answered in favour of the claimant workman and against the management. In other words claimant Krishna Dev Tiwari is legally entitled to get wages at par with Dumper Operator Sangram Singh.

Point No. 2

In the foregoing discussions it has been concluded that claimant workman Krishna Dev Tiwari is legally entitled to get wages at par with another Dumper Operator namely Shri Sangram Singh working in Amlori under the same management of Northern Coalfields Ltd. Law is well settled that with delay the rights of the workman cannot be reasonably defeated or discarded. In view of the discussions stated above it is clear that O.P. management shall allow the consequential benefits accruing to Krishna Dev Tiwari at par with wages allowed to Sangram Singh with effect from 29.07.1999. O.P. management shall carry out the award on 31st day date of publication of the award failing which the claimant will be entitled to receive interest at the rate of 7% simple interest.

The reference is accordingly answered. In view of the circumstances stated above the parties are left to bear their respective costs.

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

dk-vk- 85.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में dlnh; l jdkj vk| kfxd vf/kdj.k - सह - Je U; k; ky; ,आसनसोल के पंचाट (सन्दर्भ संख्या 06/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04@01@2024 को प्राप्त हुआ था।

[सं.एल-22012/101/2017-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 18th January, 2024

S.O. 85.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 06/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/101/2017 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 06 OF 2018

PARTIES: Sudhir Bouri
Vs.
Management of Mithani Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: None Appeared
For the Management of ECL: P. K. Das, Adv.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 08.12.2023

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order

No. L-22012/101/2017-IR(CM-II) dated 18.01.2018 has been pleased to refer the following dispute between the employer, that is the Management of Mithani Colliery under Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Mithani Colliery under Sodepur Area in not providing employment to Sri Sudhir Bouri, dependent son of the deceased workman Late Haru Bouri, as per National Coal Wage Agreement is justified? If not, to what relief the dependent of deceased workman is entitled to? ”

1. On receiving Order **No. L-22012/101/2017-IR(CM-II)** dated 18.01.2018 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 06 of 2018** was registered on 05.02.2018 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P.K. Das, learned advocate for the management of BMP Group of Mines of Eastern Coalfields Limited is present. Mr. Rahul Panwar, management representative is also found present. For ends of justice this Industrial Dispute has been fixed up today for appearance of Sudhir Bouri, the dependent son of Haru Bouri for evidence of workman witness. Several Notice were sent at the address of the petitioner but he has not appeared before the Tribunal today. On a perusal of the record, it is found that Sudhir Bouri had appeared for the last time on 24.03.2023 and thereafter he is unrepresented.

3. The circumstances reveal that Sudhir Bouri is not interested in perusing the dispute referred. The Industrial Dispute is therefore dismissed in the form of a No Dispute Award.

Hence,

ORDERED

that the Industrial Dispute is dismissed. A no dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

dk-vk- 86.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में dlnh; l j dkj vks| kfxd vf/kdj.k - सह - Je U; k; ky; , आसनसोल के पंचाट (सन्दर्भ संख्या 10/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04@01@2024 को प्राप्त हुआ था।

[सं. एल-22012/137/2017-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 18th January, 2024

S.O. 86.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 10/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/137/2017 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 10 OF 2018**PARTIES:**

Smt. Sabita Hari

Vs.

Management of J. K. Nagar Colliery, Satgram Area of ECL

REPRESENTATIVES:

For the Union/Workman: None.

For the Management of ECL : Mr. P. K. Das, Adv.

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 04.12.2023**AWARD**

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/137/2017-IR(CM-II)** dated 13.03.2018 has been pleased to refer the following dispute between the employer, that is the Management of J. K. Nagar Colliery under Satgram Area of Eastern Coalfields Limited and their employee for adjudication by this Tribunal.

SCHEDULE

“ Whether the fixation of wages to Smt. Sabita Hari, deployed under the management of J. K. Nagar Colliery under Satgram Area of ECL as Peon w.e.f. 17.03.2004 is proper, legal and justified. If not, to what relief the concerned workman is entitled to and from which date? ”

1. On receiving Order **No. L-22012/137/2017-IR(CM-II)** dated 13.03.2018 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 10 of 2018** was registered on 26.03.2018 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Das, learned advocate for the management of J. K. Nagar Colliery under Satgram Area, ECL is present. The case is fixed up today for appearance of Smt. Sabita Hari, aggrieved employee who raised this Industrial Dispute but she has not appeared after Notice was issued to her at her permanent address.

3. After registration of the case Notice was issued to parties. Management appeared and filed written statement in support of their objection. Management produced copy of order Ref. No. SAT/PER/PR to TR/2004/1532 dated 18/20.03.2004 wherein it has been specified that the Competent Authority has accorded his approval for conversion of the following Piece Rate workers into Time Rate category who have completed the requisite attendance in the category in which they are presently being deployed with protection of existing SPRA only as per directive conveyed in this regard vide letter No. 10998 dated 23.04.1993 from ECL/HQ. Their Pay fixation will be done by Associate Finance. Name of Smt. Sabita Hari is entered against serial no. 25 in that order. Subsequently another office order bearing No. SAT/PER/B-24/2013/885 dated 14/15.03.2023 was issued by the Chief Manager (Personnel), Satgram Area wherein it was ordered that deployment of the enlisted employees of different units of Satgram Area as Peon and subsequent recommendation of the D.P.C. for regularization/encadrement, the Competent Authority has been pleased to accord his approval for regularization of the undernoted employees as Peon in Technical & Supervisor Grade - H of NCWA-IX with immediate effect. It was further ordered that regularization will be effective from the date of issue of this order. Name of Smt. Sabita Hari appears against serial no. 5 in that order.

4. In view of such order, it appears to me that the aggrieved employee does not want to proceed further as the purpose has already been served. Industrial Dispute is accordingly dismissed in the form of a **No Dispute Award**.

Hence,

ORDERED

that a **No Dispute Award** be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 87.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल.के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, गोदावरीखानी के पंचाट (I nHK l a[; k 95/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06@01@2024 को प्राप्त हुआ था।

[सं०-एल-22013/01/2024-आईआर(सी एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 18th January, 2024

S.O. 87.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 95/1999**) of the **Central Government Industrial Tribunal-cum-Labour Court, Godavarikhani** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.L.** and their workmen, received by the Central Government on **06/01/2024**.

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-CUM- ADDL. DIST. & SESSIONS COURT, GODAVARIKHANI.

PRESENT:- SRI Dr.T.SRINIVASA RAO,

CHAIRMAN-CUM-PRESIDING OFFICER.

TUESDAY, ON THIS THE 19th DAY OF DECEMBER, 2023.

I.D.No. 95 of 1999

Between:-

P. Mallesh, Chandraiah, Age: 41 years, Ex-Dumper Operator, R/o.H.No.1715/D, Vittal Nagar, Godavarikhani, District: Peddapalli, Telangana State-505209.

...Petitioner.

A N D

1. The Project Officer, Singareni Collieries Company Ltd.,
OCP-II, Ramagundam Mandal, District: Peddapalli, Telangana State – 505209.
2. The General Manager, Singareni Collieries Company Ltd.,
OCP-II & III, Ramagundam Mandal, District: Peddapalli, Telangana State - 505209.
3. The Chairman & Managing Director,
Singareni Collieries Company Ltd.,
Kothagudem, District: Bhadradi-Kothagudem.

...Respondents.

This case coming before me for final hearing in the presence of Sri B. Shantan Kumar, Advocate for the Petitioner and of Sri T. Ravinder Singh, Advocate for the Respondents; and having been heard and having stood over for consideration till this day, the Tribunal delivered the following:-

AWARD

1. This petition is filed Under Section 2-A (2) of I.D. Act praying to set aside the dismissal order dt.04.0.1994 passed by the Respondent No.2 and to direct the Respondents'-Company to reinstate the petitioner into service with continuity of service, together with all attendant benefits and full back wages.
2. It is submitted that the Hon'ble High Court by Common Order dt.27.04.2023 in W.P.Nos. 4435/2002, 5545/2003 and 1565/2008 has remanded back the matter to this Tribunal for passing reasoned orders afresh, strictly in accordance with law. The Hon'ble High Court referred to a judgment of the Hon'ble Supreme Court in **Shukla and Brothers Case** reported in (2010) 4 SCC 785. As per the orders of the Hon'ble High Court, this Tribunal issued notices and both parties have appeared before this Tribunal and adduced their evidence and rival arguments.

3. The brief averments of the petition are as follows:-

3(a). It is to submit that the petitioner was appointed in the Respondents'-Company and he was discharging his duties to the utmost satisfaction of his superiors, without any adverse remarks. On 04.01.1994, the petitioner attended to his duties in III-shift and operated the dumper for P-2 and P-3 shovels along with 7 other operators. He dumped the loads given by the said shovels and completed his duty. On that day he did not observe anything about the death of Madar Saab and he did not commit any misconduct.

3(b). It is to submit that the Respondent No.1 issued Charge Sheet dt.07.02.1994 alleging that petitioner committed misconduct under clauses 16(19), 16(5) and 16(1) of the standing orders and after conducting an exparte enquiry, the Respondent No.2 dismissed him from service vide Ref. dt.04.08.1994 w.e.f., 07.08.1994 unjustly, which is a clear case of victimization and unfair Labour practice.

3(c). It is to submit that petitioner did not commit any misconduct and the charges are incorrect, false and far from truth. He did not commit nor conceal anything and several other employees were present at the spot of incident. As such, all of them are equally also responsible for the misconduct of concealment. The respondents have failed to examine them, except Ganapathi Reddy, which shows their biased attitude. The respondents have dismissed the petitioner in a hurried manner by conducting exparte enquiry, though there was no evidence against him. Had the petitioner was guilty of any misconduct, the Police would have included him in the FIR.

3(d). Further, Nija Nirdharana (fact finding) Committee opined that the petitioner and (03) others were dismissed from service unjustly and no fault was committed by them. The committee strongly opined that only one person was involved (Dozer Operator) in the incident and sought the respondents to reinstate the petitioner and (03) others with back wages. The respondents have issued Charge Sheets to (07) employees and (03) employees i.e., 1. Ch. Chandra Mouli, Overman; 2. G. Venkateshwarlu, Overman; and 3. B. Eshwar Reddy, Dozer Operator were imposed with punishment of (10) days suspension but, the petitioner was unjustly dismissed from service to take revenge against him in view of his union activities.

3(e). The respondents have not issued any Show Cause Notice prior to imposing the extreme punishment of dismissal. The respondents failed to consider the true facts and admissions of dozer operator Sri B. Eshwar Reddy, during the Police investigation. Further, as per the Judgment of Hon'ble High Court dt: 03-08-1995 in W.P.No. 8395/89, Between: U.Chinnappa Vs. Cotton Corporation of India, this Court has got jurisdiction to entertain this petition. The capital punishment of dismissal from service imposed on petitioner is highly excessive and shockingly disproportionate to the charges and it amounts to his economic death, which is not warranted. This Tribunal is vested wide powers U/Sec.11-A of I.D. Act to grant every relief to the petitioner. Therefore, prayed to set aside the dismissal order dt.04.08.1994 and direct Respondents'-Company to reinstate him into service with continuity of service, all attendant benefits and full back wages.

4. On the other side the Respondents/Management filed counter by admitting the employment of the Petitioner/Workman with the Respondents'-Company, however, inter-alia contended that the respondent company is a coal mining industry and owned by the Govt. of India. This Tribunal which is constituted by the State Govt. is not vested with the jurisdiction to entertain this petition and the same may be dismissed for want of jurisdiction.

4(a). The petitioner has been working at OCP.II Project as dumper operator and on 04.01.1994 night, he attended III-shift duties. On 05.01.01994, in the first shift at about 09:30 A.M the shovel operator was working P-2 shovel from +740 RL Bench and while he was lifting the over burden, a mutilated body was found exposed and it was identified as the body of Sri Madar Sab, cable boy of night shift who was allotted to work on P-3 shovel. Immediately it was brought to the notice of Police, who conducted preliminary enquiry into the incident. During the enquiry it was found that due to careless and negligent operation of P-3 shovel by its operator Sk.Ahmed, the shovel bucket hit Sri Madar Sab at around 02:30 A.M. in their shift on 04.01.1994 causing fatal injuries, due to which he died. The petitioner instead of reporting the matter to the higher authorities, removed the dead body to P-2 shovel work face in connivance with 3 other operators and covered it with over burden material of P-3 shovel with a view to conceal the evidence.

4(b). Further, Charge sheet dt.07.02.1994 was issued to the petitioner under clauses 16(19), 16(6), 16(5) and 16(1) of standing orders and he received the same. Domestic enquiry was ordered against the petitioner and the first enquiry notice dt.20.02.1994 was received by the petitioner, but, he did not attend the enquiry. As such, further two enquiry notices dt.02.03.1994 and 12.03.1994 issued to him, but they were returned un-served by the postal department. Hence, notice was published in the daily news papers dt.01.04.1994 and 06.04.1994 advising the petitioner to appear before the enquiry officer. But, he did not appear before the enquiry officer and intentionally and willfully not participated in the enquiry proceedings. He failed to avail the opportunity given to him to defend his case before the enquiry officer. The domestic enquiry was conducted by observing all the principles of natural justice and the Enquiry Officer submitted report holding that the charges against him were proved. A show cause notice vide letter dt.12.07.1994 was served on him advising him to receive the enquiry report. He submitted representation dt.02.08.1994 for the respondents gave reply dt.02.08.1994. He did not submit any representation on the enquiry report and failed to avail the opportunity given to him.

4(c). Further, Niza Nirdharana Committee has nothing to do with the administrative functions of the Management and infact some other persons were also issued with charge sheets in this regard. Since the charges against the petitioner were very grave in nature, he was dismissed from service along with 3 other operators who helped the petitioner in concealing the evidence. With regard to other persons, (10) days suspension was awarded depending on the gravity of misconduct. Sri T. Janardhan Reddy, Dozer Operator was in first shift on 05.01.1994 and the incident took place during the night shift of 04.01.1994, as such his statement was not recorded. Further, he threatened the other employees with dire consequences if they reveal anything about the death of Madar Sab, cable boy. The acts committed by him are very grave and the punishment of dismissal imposed by the management vide Proc. dt.04.08.1994 is reasonable and justified. Therefore, the respondents prayed to dismiss the petition, without granting any relief.

5. In support of the claim of the Petitioner/Workman, he got marked Ex.W-1 to Ex.W-12 and on the other side for the Respondents'-Company Ex.M-1 to Ex.M-13 were marked.

6. Arguments of the learned counsel for Petitioner/workman as well as learned counsel for the Respondents/Management heard. Perused the record produced before this Tribunal, written arguments and citations.

7. *Now the points for consideration are:-*

1. *Whether the domestic enquiry conducted by the respondents is held valid or not?*
2. *Whether the charges leveled against the petitioner are proved basing on evidence or not?*
3. *Whether the dismissal order dt.04.08.1994 is liable to be set aside, if so, whether the petitioner is entitled to reinstatement with continuity of service with all attendant benefits and full back wages?*

If not, to what relief is the petitioner entitled to?"

8. From the pleadings of the Petitioner/Workman and Respondents'-Company, these are the admitted facts that the petitioner worked as Dumper Operator in the Respondents'-Company and he was dismissed from service by Proc. dt.04.8.1994. Ex.M-1 is the charge sheet issued to the petitioner along with acknowledgement. Ex.M-2 is the explanation to the charge sheet submitted by the petitioner. Ex.M-3 is enquiry notice issued to petitioner with acknowledgement. Ex.M-4 and Ex.M-5 are further two enquiry letters which were returned un-served by the postal department. Ex.M-6 and Ex.M-7 are the enquiry notices published in the daily news papers. Ex. M-8 is the enquiry proceedings and Ex.M-9 is the enquiry report along with the statements. Ex.M-10 is the letter issued to petitioner to submit his representation on enquiry report. Ex.M-11 is his representation submitted by the petitioner, Ex.M-12 is the reply letter and Ex.M-13 is the dismissal order issued by the respondents. On the other side, the petitioner got marked Ex.W-1 to W-12 on his behalf. Ex.W-1 is the List of the workers called to enquiry. Ex.W-2 is the Representation of operators union. Ex.W-3 is the deposition of Dastagiri, who is petitioner in another I.D.No.93 of 1999. Ex.W-4 is the photo copy of Judgment in C.C.No.69/1994 of J.M.F.C., Manthani. Ex.W-5 is the representation of operators union. Ex.W-6 is the Appeal enclosing the fact finding committee report by A.I.T.U.C. Ex.W-7 is the Letter addressed to Chairman & Managing Director, SCCL, Hyderabad by Sri M. Damodar Reddy, Minister for Mines & Geology. Ex.W-8 is the Letter addressed to the Addl. Director of General CBCID, Hyderabad by Sri M. Mallesh, MLA, Godavarihani. Ex.W-9 is the statement of the Sk. Ahmed. Ex.W-10 is the Letter addressed to Sri Bala Gopal, General Secretary, APCLC by P. Mallesh and (03) others. Ex.W-11 is the Letter addressed to the S.P of Police by the union. Ex.W-12 is the letter addressed to the Niza Nirdharana Committee by the petitioner. The above documents of both sides are not in much dispute by either side.

9. Here, the learned counsel for the respondents'-company has strenuously argued that the petitioner was working at OCP-II Project as Dumper Operator. On 04.01.1994 in the night shift he was allotted duties in III shift and operated the dumper for P-2 and P-3 shovels along with 7 other dumper operators. On 05.01.1994, it was found that due to the careless and negligent operation of shovel No.P-3 by its operator Sk.Ahmed, shovel bucket hit the cable boy Madar Sab at around 02:30 A.M. in their shift on 04.01.1994 causing fatal injuries, due to which he died. The petitioner did not report the matter to higher authorities and connived with 3 other operators in covering the dead body with over burden material, with a view to conceal the evidence. Charge sheet was issued to the petitioner and others. As explanation dt.10.02.1994 submitted by petitioner to the charge sheet was not satisfactory, domestic enquiry was conducted. He received the first enquiry notice and other two enquiry notices were returned undelivered by the postal department. Hence, the enquiry notice was published in the daily news papers, but he intentionally and deliberately not participated in the enquiry. The enquiry was conducted duly observing all the principles of natural justice and Enquiry Officer submitted his report holding that the charges were proved against the petitioner. The copies of enquiry proceedings and a show cause notice dt.12.07.1994 was issued to the petitioner. He submitted a representation dt.20.07.1994 for which the respondent gave reply dt.02.08.1994. The petitioner did not submit any

explanation and he failed to avail the opportunity given to him. Since the charges proved were grave in nature, the petitioner was dismissed from service by order dt.04.08.1994, which is just and proper.

9(a). Further, the learned counsel for the respondents'-company argued that Niza Nirdharana Committee has nothing to do with the administrative functions of the Management and some other persons were also issued with charge sheets in this incident. Since the charges against the petitioner were very grave in nature, he was dismissed from service along with 3 other operators who helped the petitioner in concealing the evidence. With regard to other persons, (10) days suspension was awarded depending on the gravity of misconduct.

9(b). The learned counsel for the respondents'-company also argued that the respondent company is a coal mining industry and owned by the Govt. of India. This Tribunal which is constituted by the State Govt. is not vested with the jurisdiction to entertain this petition and the same may be dismissed for want of jurisdiction. Further, the acts committed by the petitioner are very grave and the punishment of dismissal imposed on him by the management is reasonable. The other allegations of the petition are denied and prayed to dismiss the petition, without granting any relief.

10. Per contra, the learned counsel for the petitioner/workman strenuously argued that petitioner was appointed as Dumper Operator and he was discharging his duties to the utmost satisfaction of his superiors, without any adverse remarks. On 04.01.1994, the petitioner attended to his duties in III-shift and operated the dumper for P-2 and P-3 shovels along with 7 other operators. He dumped the loads given by the said shovels and completed his duty. On that day he did not observe anything about the death of Madar Saab and he did not commit any misconduct. But, the Respondent No.1 issued Charge Sheet dt.07.02.1994 alleging that he committed misconduct under standing orders to which he submitted satisfactory explanation on 10.02.1994. But, by conducting an exparte enquiry, he was dismissed him from service vide Ref. dt.04.08.1994 w.e.f., 07.08.1994 unjustly, which is highly illegal, clear victimization and unfair Labour practice.

10(a). Further, the learned counsel for the petitioner argued that the petitioner did not commit any misconduct and the charges are incorrect and false. On 04-01-94 in III shift, he operated dumper and completed his chartered duties without any remarks and did not commit anything muchless as alleged in the charge sheet. He did not cause anything to the deceased cable boy nor concealed or connived anything and the charges are incorrect and false. Further, the enquiry officer conducted an exparte domestic enquiry adopting empty formalities. The findings of the enquiry officer are perverse and biased. The enquiry statements of witnesses recorded by the enquiry officer are contradictory to each-other. The respondents failed to consider the true facts of the case and admissions of the dozer operator B. Eshwar Reddy, during the Police investigation. Further, Niza Nirdharana (fact finding) Committee opined that he and (03) others were dismissed from service unjustly and no fault was committed by them. The committee strongly opined that only one person was involved (Dozer Operator) in the incident and sought the respondents to reinstate the petitioner and (03) others with back wages.

10(b). The learned counsel for the further strenuously argued that the respondents have failed not issued any Show Cause Notice by proposing the punishment as why he should not dismissed from service and the extreme punishment was imposed on the petitioner straight away, without issuing any show cause notice of dismissal. Further, the capital punishment of dismissal from service imposed by the respondents is highly excessive, arbitrary and shockingly disproportionate and not commensurate with the alleged charges and it amounts to economic death of the petitioner. This Tribunal is vested with wide powers U/Sec.11-A of I.D. Act to grant every relief to the petitioner. The petitioner is out of employment and he is moving before this Tribunal and Hon'ble High Court for nearly (25) years since the year 1999. Ever since his dismissal from service, he could not secure any alternative job despite best efforts and it has become very difficult to eake-out lively-hood. He hails from a very poor family and on account of his dismissal from service by the respondents, his entire family is suffering from starvation and thrown on the streets. He already retired from service on attaining the superannuation age. Therefore, he prayed to set aside the dismissal order dt.04.08.1994 passed by 2nd respondent and direct the respondents'-Company to treat the petitioner as retired from service with continuity of service, all other consequential retirement and pension benefits and full back wages.

11. In view of the pleadings of the Petitioner/Workman as well as Respondents/company as well as in view of the rival arguments of their respective counsel now this Court will go into the evidence on record. Admittedly, the Hon'ble High Court passed Common Order dt.27.04.2023 in W.P.Nos. 4435/2002, 5545/2003 and 1565/2008 by remanding back the matter to this Tribunal for passing reasoned orders afresh, strictly in accordance with law. The Hon'ble High Court referred to a judgment of the Hon'ble Supreme Court in *Shukla and Brothers Case* reported in (2010) 4 SCC 785 whereby the Hon'ble Supreme Court held as under:-

"..... while exercising the power of judicial review on administrative action and more particularly the judgment of Courts in appeal before the higher Court, providing of reasons can never be dispensed with. The doctrine of audi alteram partem has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely must be granted an opportunity of being heard. Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order.

.....A litigant who approaches the Court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer. Reasons are the soul of orders. Non-recording of reasons could lead to dual infirmities; firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater degree of precision to judicial pronouncements. The orders of the Court must reflect what weighed with the Court in granting or declining the relief claimed by the applicant”.

11(a). As per the orders of the Hon'ble High Court, on issuing notices, both parties have appeared before this Tribunal and adduced evidence and respective arguments. Further, as per the Division Bench Judgment of Hon'ble High Court dt:03-08-1995 in Writ Petition No. 8395/1989, Between:U.Chinnappa Vs. Cotton Corporation of India, this Tribunal has got jurisdiction to entertain this petition and the learned counsel for the respondents did not raise any dispute with regard to the jurisdiction of this Tribunal to entertain this matter. Hence, this Tribunal has every jurisdiction to adjudicate this case as per the settled law.

POINT No. 1:

12. In this matter, initially the petitioner/workman denied the validity and legality of the enquiry report. But, on 06.11.2023, the learned counsel for petitioner filed memo under Sec.11-A of I.D Act by accepting the procedure of domestic enquiry against the petitioner, hence, this Tribunal holding the domestic enquiry is valid. Now the next question is whether the misconduct is proved in the facts of the case and the findings are not perverse. So, this Tribunal is to re-appreciate the evidence and come to its own conclusion with regard to finding guilty or not based on evidence. Accordingly, the point No.1 is answered.

POINTS No. 2 & 3:

13. A perusal of the record, it is evident that the petitioner was issued charge sheet dt.07.02.1994 under Ex.M-1 shows that on 04.01.1994 in the III shift one Madar saab, cable boy died of fatal injuries due to hit by P-3 Shovel bucket being operated by Shaik Ahmed, E.P operator. It was found that instead of reporting the incident to superiors, the petitioner connived with Shaik Ahmed in concealing the evidence by transporting the body to P-2 shovel face and cover it with OB material and threatened the others with dire consequence if they revealed anything of the incident, which amounts to misconduct under Clauses 16(19), 16(5) & 16(1) of standing orders of the company.

13(a). Further, the petitioner submitted explanation dt.10.02.1994 which is marked as Ex.M-2, wherein he stated that on 04.01.1994 during III shift he was allotted dumper No.H-26 and on that day he worked in the first shift over time. His dumper was attached to P-3 shovel which was operated by Madar Sab, cable boy who grave three loads to his dumper. When he went for fourth trip at about 1.00 A.M., Shaik Ahmed was operating P-3 shovel and there was no sign of Madar sab anywhere. He operated his dumper up to 02.45 A.M., and during break Shaik Ahmed met him for match box and after that he slept. The overman Sri Chandramouli woke him and he resumed his duty, he saw Ganapathi Reddy, Madhu, Parsharamulu, Sulthanpasha were sitting near fire place and Prabhakar goud was sleeping. He took one load from P-3 shovel and he observed that P-2 shovel was not working. Afte unloading he saw that Electrician and helper chary were repairing Horn of P-2 shovel and he was P-2 shovel under break down two times after Tea Break and he do not anything and requested to exonerate him from the allegations.

13(b). Further, enquiry notice dt.20.02.1994 was received by the petitioner under Ex.M-3, wherein he was advised to attend the enquiry on 01.03.1994. It appears that since the petitioner did not attend the enquiry on the above date, other two enquiry notices were issued which were returned unserved by the postal department, under Ex.M-4 and Ex.M-5. Further, the enquiry notice was got published in the Telugu News Papers dt.01.04.1994 and 06.04.1994 advising the petitioner to attend enquiry on 10.04.1994 which are marked as Ex.M-6 and Ex.M-7. But, he has chosen to appear before the Enquiry Officer and not participated in the domestic enquiry on 10.04.1994 to defend himself, hence exparte enquiry was conducted. As per the enquiry Proceedings which are marked as Ex.M-8, it shows that the Presenting Officer got examined 5-witnesses on behalf of Respondents i.e., 1. B.Ganapathi Reddy, 2. Dudem Sudhakar, 3. Koppula Satyanarayana, 4. Ratna Raji Reddy and 5. Vadlakonda Madhu. A perusal of the enquiry statement of 1st witness B. Ganapathi Reddy, S/o. Raji Reddy, cable boy it shows that while he was coming to fire place to sleep, he saw that the P-3 shovel bucket hitting Madar Sab, while it was being operated by Shaik Ahmed and Madar Sab due to the hit by shovel bucket. He further stated that Shaik Ahmed stopped and threatened him not to go to the side of P-3 shovel. Later he saw P.Malles/ petitioner and Dastagiri operators with Shaik Ahmed and he was threatened and he was panic. He saw Shaik Ahmed, Dastagiri and Mallesh tired to give first aid to Madar Sab. Then all the three went towards P-2 shovel face examined it and came back to P-3 shovel. Shaik Ahmed loaded the body of Madar Sab in the dumper being helped by Mallesh and Dastagiri. Then Dastagiri unloaded the body at P-2 face. Then a load of O.B material was unloaded at P-2 shovel face on the body of Mada Sab. He further stated that all the time Mallesh/petitioner was present at P-3 shovel and helping Shaik Ahmed and he did not inform the incident to any other, as he was already threatened.

13(c). A perusal of the enquiry statement of 2nd witness Dudem Sudhakar, S/o.Ramaiah, Tripman shows that on 04.01.1994 around 2.40 A.M as there was no material, P-2 shovel was marched, dozing was done upto about

3.10 A.M. At about 2.55 A.M., he heard a cry but he thought that somebody was calling some other. He was in HD-13 dumper of K.Satyanarayana and due to the abnormal behavior of Ganapathi Reddy, he got a curiosity as to what happened. Hence, he started observing from the dumper itself. He saw Shaik Ahmed, Shovel operator of P-3 shovel, Dastagiri and Mallesh dumper operators were extending First Aid to Madar saab. Some of the operators were also witnessing it. Shak Ahmed loaded the dead body of Madar Sab in to the dumper and Dastagiri dumped the body at P-2 shovel face. Shaik Ahmed loaded O.B material and Dastagiri unloaded the material on the body of Madar Sab. At about 6.00 A.M Shaik Ahmed dozed the material unloaded by Dastagiri on the body of Madar Sab. He did not inform the incident to anybody as Shaik Ahmed was threatening other operators to the effect that if they reveal anything, they would face dire consequences. Hence, he also was afraid and did not inform the incident to anybody.

13(d). The enquiry statement of Koppula Satyanarayana, S/o. Ramaiah, 3rd witness shows that he attended duties with allotted HD-13 Dumper on that day. He did not depose anything about the death of Madar Saab cable boy and about the fatal injuries caused with P-3 shovel bucket operated by Sk.Ahmed. But, he deposed that Shaik Ahmed threatened him that if he reveals anything, he would harm him. At the time of threat, Dastagiri, Mallesh and Goud were there with Shaik Ahmed. On being threatened, he came to his dumper and got into it. Apart from that, from a perusal of the enquiry statement of 4th witness Ratna Raji Reddy, S/o.Pochaiah, Dumper Operator shows that Shaik Ahmed threatened him that it would not be a good thing for him if he reveals anything. He observed that Shaik Ahmed loaded O.B material into dumper and Dastagiri unloaded it at P-2 shovel face and that Shaik Ahmed dozed the area at P-2 shovel face.

13(e). Further, the enquiry statement of last/5th witness Vadlakonda Madhu, Tripman shows that he was in the HD-16 dumper operated by Niranjan Rao and he heard some disturbance. When he enquired about the same, Shaik Ahmed scolded and abused him as “Gudda Balisinda” and forced him to go and sit in the dumper. Furtyher, Sri Mallesh/petitioner enquired him where he was before lunch and during lunch and that when he asked what happened, he advised to stay quiet if I did not know anything. At the end of the shift, Shaik Ahmed asked to report more trips and threatened him.

14. From the above enquiry proceedings record, which is marked as Ex. M-8 it appears that the 5 witnesses were got examined by the Presenting Officer supported the charges framed against petitioner Shaik Ahmed vide charge sheet under Ex. M-2. The enquiry findings report is marked as Ex.M-9 wherein the Enquiry Officer concluded that the charges were proved against the Petitioner/workman. Further, he was asked to submit his representation if any, on the enquiry findings report vide Notice dt.12.07.1994, which is marked as Ex.M-10, to which he did not submit any reply. But, he submitted representation dt.20.07.1994 for conducting re-enquiry at RG-III office, which is marked as Ex.M-11 and it was not considered by the respondent by reply letter dt.02.08.1994 under Ex.M-12 and he was dismissed from service by order dt.04.08.1994 w.e.f., 07.08.1994, which is marked as Ex. M-13.

14(a). Further, the respondents issued letter dt.12.07.1994 advising the petitioner to collect copy of enquiry proceedings and enquiry findings and to submit his representation within 7 days, which is marked as Ex.M-10. The petitioner by his representation dt.20.07.1994 stated that there is life threat to him and he is not attending to duty; and requested to transfer him to OCP-III and arrange to conduct re-enquiry, which is marked as Ex.M-11. The respondents gave reply dt.02.08.1994 to the petitioner stating that he was given reasonable opportunity to attend for the enquiry by sending enquiry notices any publishing in leading Daily News Papers; but, he did not avail the opportunity to attend the enquiry. Hence, the management has decided to proceed with further, which is marked as Ex.M-12. Thus, as can be seen from the record placed before this Tribunal, it is evident that the petitioner failed to avail the opportunities provided to him to defend himself. Further, Ex.W-1 to Ex.W-12 are the Representation of operators union, copy of Judgment in C.C.No.69/1994 of J.M.F.C., Manthani, Appeal and fact finding committee report by A.I.T.U.C., Letter addressed to Chairman & Managing Director, SCCL, Hyderabad, Letter addressed to the Addl. Director of General CBCID, Hyderabad and Letter addressed to the S.P of Police. Therefore, as per the enquiry proceedings under Ex.M-8 as well as material on record clearly show that one Madar Sab, cable boy was died of fatal injuries due to hit by P-3 shovel bucket being operated by Shaik Ahmed, operator. The record further shows that Shaik Ahmed threatened the witnesses who were examined during enquiry and also he threatened other employees present on the work spot. The conniving and concealment of evidence by the petitioner and his threatening other employees were proved by the witnesses examined during enquiry. Therefore, I hold that the charges leveled were amply proved against the petitioner.

15. Here, the learned counsel for the petitioner/workman has relied on a Division Bench Judgment of the Hon'ble Supreme Court in Civil Appeal No.2157/1999, dt.08.04.1999 between Ajaib singh vs. Sirhind Co-op. Marketing-cum-Processing Service Society Ltd., & another, wherein their lordships held that:-

“The object of Industrial Disputes Act was to give succor to weaker sections of the society. The emergence of the concept of Welfare State implies an end to exploitation of workman and as a corollary to that collective bargaining came into it own. The Legislature had intended to protect workmen against victimization and exploitation by the employer and to ensure termination of Industrial Disputes in a peaceful manner.

The object of the Act, therefore, is to give succor to weaker sections of the society which is a pre-requisite for Welfare State. To ensure industrial peace and pre-empt industrial tension, the Act further aims at enhancing

the industrial production which is acknowledged to be life-blood of a developing society. The Act provides a machinery for investigation and settlement of industrial dispute ignoring the legal technicalities with a view to avoid delays, by specially authorized Courts which are not supposed to deny the relief on account of the procedural wrangles”.

16. Therefore, in view of the above decisions and the facts and circumstances of the case, now the question is whether the punishment imposed against the petitioner is proportionate to the alleged misconduct committed by him or not. Here, if we come to quantum of sentence it is settled law that the discretion of which can be exercised under section 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the Court, or the existence of any mitigating circumstances which require the reduction of the sentence, or the past conduct of the workman which may persuade the Labour Court to reduce the punishment. Further, the petitioner submitted that he hails from a very poor family and has got no other livelihood and facing untold financial problems, hence prayed to consider the case under section 11-A of I.D., Act. Hence, in view of the mitigating circumstances of the case, this Tribunal is of the opinion that the punishment imposed by the respondents/company against the petitioner is harsh, disproportionate and shocks to conscience of this Tribunal, hence, deserves to be modified since the disciplinary authority cannot be permitted to act arbitrarily and work like a Roman Knight and it cannot be allowed a fight between David and Goliath as in the present case on hand. Moreover, the facts of this case attracts the proverbial saying “Every saint has a past and every sinner has a future”.

17. Therefore, in view of the above facts and circumstances and keeping in view of the principle “*temper justice with mercy*” and to meet the ends of justice, this Tribunal is of the opinion that the punishment imposed on the Petitioner/Workman vide the Proceedings, dt.04.08.1994 under Ex.M-13 is disproportionate and shock to the conscience of this Tribunal and there is no much gravity in the misconduct, hence, it deserves to be modified appropriately. Here, this Tribunal relied upon a decision of Hon’ble Gujarat High Court Bhavnagar District Panchayat vs Dhanabhai Mohanbhai, dt.06.08.2021, wherein their lordship held that:

12. Now, in this case, as submitted by learned advocate for the workmen that almost all workmen have retired and almost 30 years have passed, there is no question of now reinstating all the workmen. It also appears from record that in all these petitions, by virtue of order dated 6.4.2010, the petitioner herein has complied with the provisions of Section 17-B of the Industrial Disputes Act. Considering the factual aspects of the present case, since there was a short tenure of service of the workmen instead of granting continuity of service and back wages, it will be appropriate to award compensation as full and final settlement in favour of the workmen. Now, considering the peculiar facts of this case and the fact that there was short span of service of the respondents, this Court is of the considered opinion, if Rs.50,000/- is awarded as C/SCA/1631/2010 JUDGMENT DATED: 06/08/2021 compensation as full and final settlement, it will serve the ends of justice.

13. Considering the judgment of the Apex Court in the case of Tapash Paul Vs. BSNL and another reported in 2016 (1) Scale 92 and BSNL Vs. Bhurumal reported in 2014 (7) SCC 177, this Court is of the view that in the present cases granting of relief of reinstatement after such a long gap will not serve any purpose and, therefore, this Court is of the view that if the order to grant compensation of Rs.50,000/- to each respondent-workman in lieu of reinstatement is passed, it will meet the ends of justice.

14. In view of above, all these petitions are partly allowed and the impugned common award dated 16.10.2009 passed by the Labour Court, Bhavnagar in Reference (LCB) Nos.99, 101, 114, 115, 116, 117 and 118 of 1992 is modified to the aforesaid extent that the petitioner herein shall pay Rs.50,000/- as full and final compensation to each of the workman. Such amount be paid to each workman by the petitioner, after proper verification of the identity by an account payee cheque/ pay order within a period of three months from the date of receipt of this order, failing which the concerned workman shall be entitled to get interest at the rate of 6% from the date of this order till the date of actual realization. It is observed that the aforesaid amount is in addition to whatsoever amount paid to him/her till today. Rule is made absolute accordingly with no order as to costs. Registry is directed to maintain a copy of this order in all connected matters.

18. Therefore, in view of the above decision and in view of the above facts and circumstances of the case since the petitioner already attained superannuation age in the year 2018, this Tribunal is of the considered opinion that granting lumpsum compensation of Rs.1,00,000/- to the petitioner-workman in lieu of reinstatement will meet the ends of justice since the charges leveled against the petitioner are proved and the petitioner/workman already attained the age of superannuation.

19. In the result, this petition is partly allowed. The Respondent/ Company is directed to pay lumpsum compensation of Rs.1,00,000/- to the petitioner/workman. Consequently, the petitioner/ workman is not entitled to any continuity of service, back wages and any other attendant benefits. Copy of the Award be sent to the appropriate Government for publication. Both parties shall bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court, on this the 19th day of December, 2023.

Dr. T. SRINIVASA RAO, Chairman-cum-Presiding Officer

APPENDIX OF EVIDENCE**WITNESSES EXAMINED**

FOR WORKMAN:-

-Nil-

FOR MANAGEMENT:-

-Nil-

EXHIBITSFOR WORKMAN:-

Ex.W-1	Dt.	09.01.1994	List of workers called to Enquiry.
Ex.W-2	Dt.	17.07.1995	Memorandum issued by B. Nagaiah General Secretary.
Ex.W-3	Dt.	13.05.1995	Report of Md. Dastagiri, E.P. Operator of Xerox copy.
Ex.W-4	Dt.	16.02.1995	Copy of Judgment in C.C.No.69 of 1994
Ex.W-5	Dt.	09.05.1997	Lr. addressed to the chairman & Managing Director, SCCL, Kothagudem
Ex.W-6	Dt.	04.06.1996	Lr. addressed to the chairman & Managing Director, SCCL, Hyderabad and Nija Nirdharana Committee enquiry report Xerox copy.
Ex.W-7	Dt.	24.03.1995	Lr. addressed to the chairman & Managing Director, SCCL, Hyderabad by Sri M. Damodar Reddy, Minister for Mines & Geology Xerox copy.
Ex.W-8	Dt.	10.01.1996	Lr. addressed to the Addl. Director of General CBCID, Hyderabad by M. mallesham, MLA, Godavarikhani.
Ex.W-9	Dt.	13.05.1995	Statement of Sk. Ahmed, E.P. Operator
Ex.W-10	Dt.	13.05.1995	Lr. addressed to Sri Bala Gopal, General Secretary, APCLC by P. Mallaiah and (03) others
Ex.W-11	Dt.	17.01.1994	Lr. addressed to the Commissioner, Nija Nirdharana Committee, Godavarikhani by P. Mallaiah, E.P. Operator, OCP-II.
Ex.W-12	Dt.	01.02.1995	Letters of P.Mallesh and B.Nagaiah.

FOR MANAGEMENT:-

Ex.M-1	Dt.	07.02.1994	Charge sheet issued to the petitioner along with acknowledgement.
Ex.M-2	Dt.	10.02.1994	Explanation to the charge sheet submitted by the petitioner.
Ex.M-3	Dt.	20.02.1994	Enquiry notice issued to petitioner with acknowledgement.
Ex.M-4	Dt.	02.03.1994	Enquiry notice with RPAD cover returned unserved by the postal department.
Ex.M-5	Dt.	12.03.1994	Enquiry notice with RPAD cover returned unserved by the postal department.
Ex.M-6	Dt.	01.04.1994	News paper notification clipping
Ex.M-7	Dt.	06.04.1994	News paper notification clipping
Ex.M-8	Dt.	01.03.1994 to 10.04.1994	Enquiry proceedings.
Ex.M-9	Dt.	10.06.1994	Enquiry report along with statements.
Ex.M-10	Dt.	12.07.1994	Second show cause notice issued to petitioner.
Ex.M-11	Dt.	20.07.1994	Representation of the petitioner.
Ex.M-12		02.08.1994	Reply to the above representation.
Ex.M-13	Dt.	04.08.1994	Dismissal letter issued to petitioner.

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 88.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल.के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, गोदावरीखानी के पंचाट (I nHk l k 94/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06@01@2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आईआर(सी एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 18th January, 2024

S.O. 88.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 94/1999**) of the **Central Government Industrial Tribunal-cum-Labour Court, Godavarikhani** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.L.** and their workmen, received by the Central Government on **06/01/2024**.

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE**BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-CUM- ADDL. DIST. & SESSIONS COURT, GODAVARIKHANI.****PRESENT:- SRI Dr.T.SRINIVASA RAO,****CHAIRMAN-CUM-PRESIDING OFFICER.****TUESDAY, ON THIS THE 19th DAY OF DECEMBER, 2023.****I.D.No. 94 of 1999**

Between:-

1. Sk. Ahmed, S/o. Voli Mohammed, Age:35 Years, Ex. Shovel Operator,**(Died) per L.Rs.,**
2. Shahin Sulthana, W/o. Sk. Ahmed, Age:46 Years, House wife,
3. Sumaiya Afreen, D/o. Sk. Ahmed, W/o. Rehan Azeez, Age:31 Years
4. Shaik Bilal Ahmed, S/o. Sk. Ahmed, Age:30 Years, Un-employee,
5. Bushra Afreen, D/o. Sk. Ahmed, Age:26 Years, Un-employee,

All are R/o.10-5-725/1/1/A, Kisan Nagar, Near Church, Karimnagar.

...Petitioner/Workman.

A N D

1. The Project Officer, S.C.Co. Ltd., Opencast Project-II, Ramagundam (RG), District: Peddapalli, Telangana State - 505209.
2. General Manager, S.C.Company Limited, Opencast Project-II & III Ramagundam Division, Godavarikhani, District: Peddapalli, Telangana State - 505209.
3. The Chairman & Managing Director Singareni Collieries Company Limited, PO: Kothagudem, District: Badradri Kothagudem, Telangana State.

Respondents/Management

This case coming before me for final hearing in the presence of Sri B. Shantan Kumar, Advocate for the Petitioner and of Sri T. Ravinder Singh Advocate for the Respondents; and having been heard and having stood over for consideration till this day, the Tribunal delivered the following:-

AWARD

1. This petition is filed Under Section 2-A (2) of I.D. Act praying to set aside the dismissal order dt.07.05.1995 passed by the Respondent No.2 declaring the same as illegal, the deceased petitioner No.1 be treated as died in

harness while in service and direct the Respondents'-Company to pay service benefits, all other consequential benefits and full back wages to the L.R petitioners and to provide dependant employment to one of the L.R petitioners 2 to 5 of their choice under compassionate grounds.

2. It is submitted that the Hon'ble High Court by Common Order dt.27.04.2023 in W.P.Nos. 4435/2002, 5545/2003 and 1565/2008 has remanded back the matter to this Tribunal for passing reasoned orders afresh, strictly in accordance with law. The Hon'ble High Court referred to a judgment of the Hon'ble Supreme Court in *Shukla and Brothers Case* reported in (2010) 4 SCC 785. As per the orders of the Hon'ble High Court, this Tribunal issued notices and both parties have appeared before this Tribunal and adduced their evidence and rival arguments.

3. The brief averments of the petition are as follows:-

3(a). It is to submit that on 04.01.1994, the petitioner attended his chartered duties in III-shift and operated the Shovel and gave O.B loads to the allotted dumpers. During the course of discharging his duties, the petitioner observed O.B on both sides of P-2 Shovel was neatly dozed by the Dozer and after spell of his duties, while he was going to his residence on 05-01-1994 at 7-15 A.M. to 7-30 A.M., he observed one Janardhan Reddy, Dozer Operator washing the dozer at the Workshop Washing Plant, which dozer was operated by Sri Eashwar Reddy on 04.01.1994 in III shift duty i.e., duty hours of the petitioner. Further, on 05-01-1994 after 11-00 A.M., he was informed that in the I shift at about 9-45 A.M., while lifting OB by P-2 shovel from +740 RL Bench, a mutilated body of Sri Md. Madar Saab, Cable Boy of III shift allotted to the shovel of the petitioner, was found. Since, the deceased Md. Madar Saab worked on the P-3 Shovel of the petitioner, he immediately followed his colleagues & superiors informed him and visited the place. Suddenly the situation turned into violence and some of the persons taken the Law & Order into their hands and beaten the petitioner and other workers of III shift by suspecting their involvement in the death of the deceased.

3(b). It is to submit that the Respondent No.1 issued Charge Sheet dt.07.02.1994 alleging that petitioner committed misconduct under clauses 16(19), 16(6), 16(5) and 16(1) of standing orders and by conducting an exparte enquiry, the Respondent No.2 dismissed him from service vide Ref. dt.17.06.1994 w.e.f., 20.06.1994 unjustly. He did not commit any misconduct and the charges are incorrect and false. On 04-01-94 in III shift, he and the deceased cable boy operated the shovels and he observed that P-2 shovel was operated by B. Prabhakar Goud. He operated P-3 shovel till 3-00 P.M., and took rest during Tea-Time. He also observed that from 2-15 p.m. to 2-30 p.m., P-2 shovel was long-marched to its back side, and OB of both sides of the said P-2 shovel was neatly dozed by the Dozer. As per the instructions of Sri Venkateshwarlu, he operated the P-3 shovel from about 4-45 A.M., onwards and completed his duty. Before starting his shovel, he asked overman Sri Venkateshwarlu, to call- for his Cable Boy – Sri Md. Madar Saab, but in vain. He completed his chartered duties without any remarks and did not commit anything muchless as alleged in the charge sheet. He did not cause anything to the deceased cable boy nor concealed anything and the charges are incorrect and false.

3(c). Further, the enquiry officer conducted an exparte domestic enquiry adopting empty formalities. The findings of the enquiry officer are perverse and biased. There is no clinching evidence to find the deceased Petitioner No.1 guilty of the charges. The enquiry statements of Sri D. Sudhakar Reddy, Tripman and Sri B. Ganapathi Reddy, Cable Boy, recorded by the enquiry officer are contradictory to each-other. The respondents failed to consider the true facts clean dozing on both sides of P-2 shovel, washing of the dozer on the next day at the washing plant and the admissions of the dozer operator B. Eshwar Reddy, during the Police investigation. Further, the Hon'ble JMFC, Manthani (Mobile) under its Judgment dt: 16.02.1995 passed in C.C No. 69 of 1994, acquitted him.

3(d). Further, Nija Nirdharana (fact finding) Committee opined that the petitioner and (03) others were dismissed from service unjustly and no fault was committed by them. The committee strongly opined that only one person was involved (Dozer Operator) in the incident and sought the respondents to reinstate the petitioner and (03) others with back wages. The respondents have issued Charge Sheets to (07) employees and (03) employees i.e., 1. Ch. Chandra Mouli, Overman; 2. G. Venkateshwarlu, Overman; and 3. B. Eshwar Reddy, Dozer Operator were imposed with punishment of (10) days suspension but, he was unjustly dismissed from service to take revenge against him in view of his union activities.

3(e). The respondents have not issued any Show Cause Notice prior to imposing the extreme punishment of dismissal. The applications of the witnesses examined by the enquiry officer, giving full details and categorically stating that they deposed against the petitioner due to violence and fear and that they did not see anything or know anything were not considered by the respondents. By virtue of the Division Bench Judgment of the Hon'ble High Court dt:03-08-1995 in W.P. No.8395/89 Between: U.Chinnappa Vs. Cotton Corporation of India, this Court has got jurisdiction to entertain this petition. Further, the capital punishment of dismissal from service imposed on the petitioner is highly excessive and shockingly disproportionate to the alleged charges and it amounts to his economic death.

3(f). Further, the workman SK. Ahmed, Ex-Shovel Operator died on 22-07-2014, leaving behind him the L.R petitioners 2 to 5 and they were brought on record. Due to the unjust dismissal from service by the respondents, the deceased Petitioner No.1 suffered for more than (20) years and died in harness on 22-07-2014. Hence, the L.R petitioners 2 to 5 are entitled to receive service benefits, all other consequential benefits and full back wages and one

of the L.R petitioners 2 to 5 be provided dependant employment under compassionate grounds. This Tribunal is vested wide powers U/Sec.11-A of I.D. Act to grant every relief to the petitioners. Therefore, they prayed to set aside the dismissal order dt.07.05.1995 and to allow the petition as prayed for.

4. On the other side the Respondents/Management filed counter by admitting the employment of the deceased Petitioner/Workman with the Respondents'-Company, however, inter-alia contended that the respondent company is a coal mining industry and owned by the Govt. of India. This Tribunal which is constituted by the State Govt. is not vested with the jurisdiction to entertain this petition and the same may be dismissed for want of jurisdiction.

4(a). The petitioner has been working at OCP.II Project as E.P. operator of shovels. On 04.01.1994, in the night shift the petitioner attended his duties and he was allotted to work on shovel No.P-3. On 05.01.01994, in the first shift at about 09:30 A.M the first shift shovel operator was working P-2 shovel at +740 RL Bench found exposed a mutilated body and it was identified as the body of Sri Madar Sab, cable boy of night shift who was allotted to work on P-3 shovel. Immediately it was brought to the notice of Police, who conducted preliminary enquiry into the incident. During the enquiry it was found that due to careless and negligent operation of P-3 shovel by the petitioner/Sk.Ahmed, the shovel bucket hit Sri Madar Saheb at around 02:30 A.M. in the shift on 04.01.1994 causing fatal injuries to the deceased. He instead of reporting the matter to the higher authorities, removed the dead body to P-2 shovel work face in connivance with 3 other operators and covered it with over burden material of P-3 shovel with a view to conceal the evidence.

4(b). Further, Charge sheet dt.07.02.1994 was issued to the petitioner under clauses 16(19), 16(6), 16(5) and 16(1) of standing orders and he received the same. Domestic enquiry was ordered against the petitioner and all four enquiry notices dt.28.02.1994, 10.03.1994, 17.03.1994 and 31.03.1994 were served on him and he was advised to appear before the enquiry officer. But, he did not appear before the enquiry officer and intentionally and willfully not participated in the enquiry proceedings. He failed to avail the opportunity given to him to defend his case before the enquiry officer. The domestic enquiry was conducted by observing all the principles of natural justice and the Enquiry Officer submitted report holding that the charges against him were proved. A show cause notice vide letter dt.18.05.1994 was served on him advising him to receive the enquiry report on or before 01.06.1994 and he received the same, but did not submit any explanation and he failed to avail the opportunity given to him.

4(c). Further, there is no bar to initiate domestic enquiry during the pendency of the criminal case against the petitioner. The Hon'ble J.F.C.M, Manthani acquitted the petitioner by giving benefit of doubt and the Judgment in criminal case is not relevant to the domestic enquiry and it is not binding on the Enquiry Officer. Further, Niza Nirdharana Committee has nothing to do with the administrative functions of the Management and infact some other persons were also issued with charge sheets in this regard. Since the charges against the petitioner were very grave in nature, he was dismissed from service along with 3 other operators who helped the petitioner in concealing the evidence. With regard to other persons, (10) days suspension was awarded depending on the gravity of misconduct. Sri T. Janardhan Reddy, Dozer Operator was in first shift on 05.01.1994 and the incident took place during the night shift of 04.01.1994, as such his statement was not recorded. Further, he threatened the other employees with dire consequences if they reveal anything about the death of Madar Sab, cable boy. The acts committed by him are very grave and the punishment imposed by the management is reasonable. Therefore, the respondents prayed to dismiss the petition, without granting any relief.

5. In support of the claim of the petitioner, Ex. W-1 to Ex. W-14 were marked and on the other side for the Respondents'-Company Ex.M-1 to Ex.M-9 were marked on 25.04.2001. After remand of the matter, the L.R petitioners were brought on record and a Memo U/Sec.11-A of I.D Act was filed on 13.11.2023.

6. Arguments of the learned counsel for Petitioner/workman as well as learned counsel for the Respondents/Management heard. Perused the record produced before this Tribunal, written arguments and citations.

7. ***Now the points for consideration are:-***

1. ***Whether the domestic enquiry conducted by the respondents is held valid or not?***
2. ***Whether the charges leveled against the petitioner are proved basing on evidence or not?***
3. ***Whether the dismissal order dt.17.06.1994 is liable to be set aside, if so, whether the L.R petitioners are entitled to any service benefits, back wages and dependant employment?***

If not, to what relief the L.R petitioners are entitled to?"

8. From the pleadings of the Petitioner/Workman and Respondents'-Company, these are the admitted facts that deceased petitioner No.1 worked as E.P Operator in the Respondents'-Company, was dismissed from service by order dt.17.06.1994 and subsequently he died on 22-07-2014. After remand of the matter, L.R petitioners 2 to 5 were brought on record and consequential amendments were made. A perusal of the record shows that Ex.M-1 is Charge sheet with two Acks., Ex.M-2 to Ex.M-5 are four Enquiry notices with acknowledgements and Ex.M-6 is Enquiry Proceedings. Ex.M-7 is Enquiry report along with statement of witnesses etc., Ex.M-8 is letter of show-cause notice

and Ex.M-9 is Dismissal Order. On the other side, the deceased petitioner got marked Ex. W-1 to W-14 on his behalf. Ex.W-1 is Enquiry notice and Letter addressed to Sri N. Damoder Reddy, Coal Mines Minister by B. Nagaiah, Convener of E.P Operator Association. Ex.W-2 is Memorandum issued by the General Secretary. Ex.W-3 is Statement of Sri Md. Dastagiri, E.P. Operator. Ex.W-4 is copy of Judgment in C.C No. 69/1994 of J.M.F.C., (Mobile), Manthani. Ex.W-5 is Representation of the Singareni OCP E.P Operators Association Union. Ex.W-6 is Appeal for re-instatement of four E.P Operators and Nija Nirdharana Committee enquiry report. Ex.W-7 is Letter addressed to the Chairman & Managing Director, SCCL, Hyderabad by Sri M. Damodar Reddy, Minister for Mines & Geology. Ex.W-8 is Letter addressed to the Addl. Director of General CBCID, Hyderabad by Sri M. Mallesh, M.L.A Medaram Constituency, Karimnagar District. Ex.W-9 is Statement of Sri Sk. Ahmed, E.P. Operator. Ex.W-10 is Letter addressed to Sri Bala Gopal, General Secretary, State A.P.C.L.C., by P. Mallaiah and (03) others. Ex.W-11 is the letter addressed to the Superintendent of Police, Karimnagar by D. Madhava Reddy, working President of the Singareni OCP all E.P. Operators Association. Ex.W-12 is the letter addressed to Nija Nirdharana Committee, Godavarikhani by P. Mallesh, E.P. Operator. Ex.W-13 is Application of P. Mallesh, Dumper Operator. Ex.W-14 is the letter addressed to Sri M. Damodar Reddy, Minister for Mines & Geology by B. Nagaiah, Convenor, E.P. Operators Association. The above documents of both sides are not in much dispute by either side.

9. Here, the learned counsel for the respondents'-company has strenuously argued that the deceased Petitioner No.1 was working as E.P. operator of shovels. On 04.01.1994, in the night shift he attended his duties on shovel No.P-3. On 05.01.01994, in the first shift shovel operator found exposed a mutilated body which was identified as the body of Sri Madar Sab, cable boy of petitioner's (Sk.Ahmed's) P-3 shovel. Immediately it was brought to the notice of Police, who conducted preliminary enquiry into the incident. During the enquiry it was found that due to careless and negligent operation of P-3 shovel by the petitioner/Sk.Ahmed, the shovel bucket hit Sri Madar Saheb at around 02:30 A.M. in the shift on 04.01.1994 causing fatal injuries to the cable boy. He instead of reporting the matter to the higher authorities, removed the dead body to P-2 shovel work face in connivance with 3 other operators and covered it with over burden material of P-3 shovel with a view to conceal the evidence. Further, a charge sheet dt.07.02.1994 was issued to the petitioner under clauses 16(19), 16(6), 16(5) and 16(1) of standing orders and he received the same. Domestic enquiry was ordered against him and all four enquiry notices dt.28.02.1994, 10.03.1994, 17.03.1994 and 31.03.1994 were served on him and he was advised to appear before the enquiry officer. But, he did not appear before the enquiry officer and intentionally not participated in the enquiry proceedings. He failed to avail the opportunity given to him to defend his case before the enquiry officer. The domestic enquiry was conducted by observing all the principles of natural justice and the Enquiry Officer submitted report holding that the charges against him were proved. A show cause notice vide letter dt.18.05.1994 was served on him advising him to receive the enquiry report on or before 01.06.1994 and he received the same, but did not submit any explanation and he failed to avail the opportunity given to him.

9(a). The learned counsel for the respondents further argued that there is no bar to initiate domestic enquiry during the pendency of the criminal case. The Hon'ble J.F.C.M, Manthani acquitted him by giving benefit of doubt and the Judgment in criminal case is not relevant to the domestic enquiry and it is not binding on the Enquiry Officer. Further, Niza Nirdharana Committee has nothing to do with the administrative functions of the Management and infact some other persons were also issued with charge sheets in this regard. Since the charges against him were very grave in nature, he was dismissed from service for causing death of the cable boy due to his rash and negligent operation of shovel and for concealing the evidence instead of reporting the matter to superiors. With regard to other persons, (10) days suspension was awarded depending on the gravity of misconduct. Sri T. Janardhan Reddy, Dozer Operator was in first shift on 05.01.1994 and the incident took place during the night shift of 04.01.1994, as such his statement was not recorded. Further, he threatened the other employees with dire consequences if they reveal anything about the death of Madar Sab, cable boy, due to the fatal injuries caused by him. The misconduct committed by the Petitioner No.1 is very grave and not becoming of an employee. The acts committed by him are very grave and the punishment of dismissal from service imposed by the management is reasonable and justified. With regard to other persons, (10) days suspension was awarded depending on the gravity of misconduct.

9(b). The learned counsel for the respondents'-company also argued that the respondent company is a coal mining industry and owned by the Govt. of India. This Tribunal which is constituted by the State Govt. is not vested with the jurisdiction to entertain this petition and the same may be dismissed for want of jurisdiction. Further, the acts committed by the petitioner are very grave and the punishment of dismissal imposed on him by the management is reasonable. The L.R petitioners are not entitled to any relief and the other allegations of the petition are denied and prayed to dismiss the petition, without granting any relief to the petitioner.

10. Per contra, the learned counsel for L.R petitioners strenuously argued that on 04.01.1994, the petitioner No.1/workman attended his chartered duties in III-shift and operated the Shovel and gave O.B loads to the allotted dumpers. During the course of discharging his duties, he observed that O.B on both sides of P-2 Shovel was neatly dozed by the Dozer and after spell of his duties, while he was going to his residence on 05-01-1994 early hours he observed one Janardhan Reddy, Dozer Operator washing the dozer at Workshop Washing Plant, which dozer was operated by Sri Eashwar Reddy on 04.01.1994 in III shift duty i.e., duty hours of the petitioner No.1. Further, on 05-01-1994 after 11-00 A.M., he was informed that in the I shift at about 9-45 A.M., a mutilated body of

Sri Md. Madar Saab, Cable Boy of III shift allotted to his shovel was found. Since, the deceased Md. Madar Saab worked on his P-3 Shovel, he immediately followed his colleagues & superiors and visited the place. Suddenly the situation turned into violence and some of the persons taken the Law & Order into their hands and beaten him and other workers of III shift by suspecting their involvement in the death of the deceased. The Respondent No.1 issued a Charge Sheet dt.07.02.1994 alleging that he committed misconduct under clauses 16(19), 16(6), 16(5) and 16(1) of the standing orders and by conducting an exparte enquiry, he was dismissed him from service vide Ref. dt.17.06.1994 w.e.f., 20.06.1994 unjustly.

10(a). The learned counsel for the L.R petitioners further argued that the deceased petitioner No.1 did not commit any misconduct and the charges are incorrect and false. On 04-01-94 in III shift, he and the deceased cable boy operated the shovels and he observed that P-2 shovel was operated by B. Prabhakar Goud. He operated P-3 shovel till 3-00 P.M., and took rest during Tea-Time. He observed that from 2-15 p.m. to 2-30 p.m., P-2 shovel was long-marched to its back side, and OB of both sides of the said P-2 shovel was neatly dozed by the Dozer. As per the instructions of Sri Venkateshwarlu, he operated the P-3 shovel from about 4-45 A.M., onwards and completed his duty. Before starting his shovel, he asked overman Sri Venkateshwarlu, to call for his Cable Boy Sri Md. Madar Saab, but in vain. He completed his chartered duties without any remarks and did not commit anything muchless as alleged in the charge sheet. He did not cause anything to the deceased cable boy nor concealed anything and the charges are incorrect and false.

10(b). The learned counsel for the L.R petitioners also argued that the enquiry officer conducted an exparte domestic enquiry adopting empty formalities. The findings of the enquiry officer are perverse and biased. The enquiry statements of Sri D. Sudhakar Reddy, Tripman and Sri B. Ganapathi Reddy, Cable Boy, recorded by the enquiry officer are contradictory to each-other. The respondents failed to consider the true facts clean dozing on both sides of P-2 shovel, washing of the dozer on the next day at the washing plant and the admissions of the dozer operator B. Eshwar Reddy, during the Police investigation. The Hon'ble JMFC, Manthani (Mobile) under its Judgment dt: 16.02.1995 in C.C No. 69 of 1994, acquitted him. Further, Nija Nirdharana (fact finding) Committee opined that he and (03) others were dismissed from service unjustly and no fault was committed by them. The committee strongly opined that only one person was involved (Dozer Operator) in the incident and sought the respondents to reinstate the petitioner and (03) others with back wages. The respondents have issued Charge Sheets to (07) employees and (03) employees i.e., 1. Ch. Chandra Mouli, Overman; 2. G. Venkateshwarlu, Overman; and 3. B. Eshwar Reddy, Dozer Operator were imposed with punishment of (10) days suspension but, he was unjustly dismissed from service to take revenge against him in view of his union activities.

10(c). The learned counsel for the L.R petitioners further argued that the respondents have not issued any Show Cause Notice prior to imposing the extreme punishment of dismissal. The applications of the witnesses examined by the enquiry officer, giving full details and categorically stating that they deposed against the petitioner due to violence and fear and that they did not see anything or know anything were not considered by the respondents. By virtue of the Division Bench Judgment of the Hon'ble High Court dt:03-08-1995 in W.P. No.8395/89 Between: U.Chinnappa Vs. Cotton Corporation of India, this Court has got jurisdiction to entertain this petition. Further, the capital punishment of dismissal from service imposed on the petitioner is highly excessive and shockingly disproportionate to the alleged charges. Further, the workman SK. Ahmed, died on 22-07-2014, leaving behind him the L.R petitioners 2 to 5 and they were brought on record. Due to the unjust dismissal from service by the respondents, the deceased Petitioner No.1 suffered for more than (20) years and died in harness on 22-07-2014. Hence, the L.R petitioners 2 to 5 are entitled to receive the service benefits, all other consequential benefits and full back wages and one of the L.R petitioners 2 to 5 be provided dependant employment under compassionate grounds. This Tribunal is vested wide powers U/Sec.11-A of I.D. Act to grant every relief to the petitioners. Therefore, he prayed to set aside the dismissal order dt.07.05.1995 and to allow the petition as prayed for.

11. In view of the pleadings of the Petitioner/Workman as well as Respondents/company as well as in view of the rival arguments of their respective counsel now this Court will go into the evidence on record. Admittedly, the Hon'ble High Court passed Common Order dt.27.04.2023 in W.P.Nos. 4435/2002, 5545/2003 and 1565/2008 by remanding back the matter to this Tribunal for passing reasoned orders afresh, strictly in accordance with law. The Hon'ble High Court referred to a judgment of the Hon'ble Supreme Court in *Shukla and Brothers Case* reported in (2010) 4 SCC 785 whereby the Hon'ble Supreme Court held as under:-

"..... while exercising the power of judicial review on administrative action and more particularly the judgment of Courts in appeal before the higher Court, providing of reasons can never be dispensed with. The doctrine of audi alteram partem has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely must be granted an opportunity of being heard. Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order.

.....A litigant who approaches the Court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer. Reasons are the soul of orders. Non-recording of reasons could lead to dual infirmities; firstly, it may cause prejudice to the affected party and secondly, more

particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater degree of precision to judicial pronouncements. The orders of the Court must reflect what weighed with the Court in granting or declining the relief claimed by the applicant”.

11(a). As per the orders of the Hon'ble High Court, on issuing notices, both parties appeared before this Tribunal and their adduced evidence and respective arguments. Further, as per the Division Bench Judgment of Hon'ble High Court dt:03-08-1995 in Writ Petition No. 8395/1989, Between:U.Chinnappa Vs. Cotton Corporation of India, this Tribunal has got jurisdiction to entertain this petition and the learned counsel for the respondents did not raise any dispute with regard to the jurisdiction of this Tribunal to entertain this matter. Hence, this Tribunal has every jurisdiction to adjudicate this case as per the settled law.

POINT No. 1:

12. In this matter, initially the petitioner/workman denied the validity and legality of the enquiry report. But, on 06.11.2023, the learned counsel for the L.R petitioners filed memo under Sec.11-A of I.D Act by accepting the procedure of domestic enquiry against the petitioner, hence, this Tribunal holding the domestic enquiry is valid. Now the next question is whether the misconduct is proved in the facts of the case and the findings are not perverse. So, this Tribunal is to re-appreciate the evidence and come to its own conclusion with regard to finding guilty or not based on evidence. Accordingly, the point No.1 is answered.

POINTS No. 2 & 3:

13. A perusal of the record, it is evident that the Petitioner No.1 (Sk.Ahmed) was issued charge sheet dt.07.02.1994 under Ex.M-1 which shows that on 04.01.1994 in the III shift due to his careless and negligent operation of P-3 shovel, the shovel bucket hit Madar saab, cable boy at around 2.30 hours causing fatal injuries. It was also found that instead of reporting the incident to superiors, he in connivance with other workmen removed the dead body to P-2 shovel face and covered it with OB material to conceal the evidence. Further, he threatened the other workmen who came near the place of accident with dire consequence if they revealed anything of the incident, which amounts to misconduct under the Clauses 16(19), 16(6), 16(5) & 16(1) of the standing orders of the company.

13(a). Further, the deceased Petitioner No.1 received the charge sheet, but he has not submitted any explanation to the same. Further, enquiry notices were sent to me four times, which are marked as Ex.M-2 to Ex.M-5 and he was advised to appear before the Enquiry Officer. But, he has chosen to participate in the domestic enquiry to defend himself. As per the enquiry Proceedings which are marked as Ex.M-6, it shows that the Presenting Officer got examined total 5-witnesses in all on behalf of Respondents viz., 1.Dudem Sudhakar, 2. B. Ganapathi Reddy & 3. Vadlakonda Madhu, 4. Koppula Satyanarayana, and 5. Ratna Raji Reddy. A perusal of the enquiry statement of Dudem Sudhakar, S/o.Ramaiah, Tripman shows that at about 2.40 A.M as there was no material, dozing was done till 3.10 A.M. Meanwhile at about 2.55 A.M., he heard a cry and he thought that somebody was calling some other. He was in the dumper of K.Satyanarayana and due to the abnormal behaviour of Ganapathi Reddy, he started observing while sitting the dumper. He saw Shaik Ahmed/ the petitioner No.1, Dastagiri, Mallesh dumper operators and Prabhakar Goud were attending First Aid to Madar saab. Some of the operators were also witnessing it. Shaik Ahmed loaded the dead body of Madar Sab in to the dumper and Dastagiri dumped the body at P-2 shovel face. Shaik Ahmed loaded O.B material and Dastagiri unloaded the material on the body of Madar Sab. At about 6.00 A.M Shaik Ahmed dozed the material unloaded by Dastagiri on the body of Madar Sab. He did not inform the incident to anybody as Shaik Ahmed was threatening other operators to the effect that if they reveal anything, they would face dire consequences. Hence, he was afraid and did not inform the incident to anybody.

13(b). Further, from a perusal of the enquiry statement of 2nd witness B. Ganapathi Reddy, S/o. Raji Reddy, cable boy it shows that while he was coming to fire place at P-3 shovel, he saw that the P-3 shovel bucket hitting Madar Sab, while it was operated by Shaik Ahmed and Madar Sab due to the hit by shovel bucket. He further stated that Shaik Ahmed stopped him and threatened with dire consequences and prevented him to go to P-3 shovel side. He saw Shaik Ahmed, Dastagiri and Mallesh giving first aid to Madar Sab who was already died and all the three went to P-2 shovel examined the place there and came back. Shaik Ahmed loaded the dead body of Madar Sab with the help of P-3 shovel bucket into the dumper and Dastagiri dumped it at P-2 shovel face. Shaik Ahmed loaded O.B material into the dumper and Dastagiri dumped the same on the body of Mada Sab. He further stated that he did not inform the accident to anybody, as he was threatened by Shaik Ahmed.

13(c). Further, the enquiry statement of 3rd witness Vadlakonda Madhu, Tripman shows that he was in the HD-16 dumper operated by Niranjana Rao and he heard some disturbance. When he enquired about the same, Shaik Ahmed scolded and abused him as “Gudda Balisinda” and forced him to go and sit in the dumper. Dastagiri also asked him to keep quiet and go and sit in his dumper and at about 6.30 A.M., Shaik Ahmed threatened him. The evidence of this witness is not much help the respondents as he did not witness the fatal accident caused to Madar Sab.

13(d). The enquiry statement of Koppula Satyanarayana, S/o. Ramaiah, 4th witness shows that he attended duties with allotted HD-13 Dumper on that day. He did not depose anything about the death of Madar Saab cable boy and about the fatal injuries caused with P-3 shovel bucket operated by Sk.Ahmed. But, he deposed that Shaik Ahmed threatened

him that if he reveals anything, he will harm him. At the time of threat, Dastagiri, Mallesh and Goud were also with Shaik Ahmed. On being threatened, he came to his dumper. Apart from that, from a perusal of the enquiry statement of 5th and last witness Ratna Raja Reddy, S/o.Pochaiah, Dumper Operator shows that Shaik Ahmed threatened him that it will not be a good thing for him if he reveals anything. He further deposed that Shaik Ahmed loaded O.B material into dumper and Dastagiri dumped it at P-2 shovel face and that Shaik Ahmed dozed the said area.

14. From the above enquiry proceedings record which is marked as Ex. M-6, it appears that the 5 witnesses were got examined by the Presenting Officer supported the charges framed against Shaik Ahmed vide charge sheet under Ex. M-2. The enquiry findings report is marked as Ex.M-6 wherein the Enquiry Officer concluded that the charges were proved against the deceased Petitioner No.1/workman. Further, he was asked to submit his representation if any, on the enquiry findings report vide Notice dt.18.05.1994, which is marked as Ex.M-8, to which he did not submit any reply and he was dismissed from service w.e.f., 20.06.1994, vide order dt.17.06.1994, which is marked as Ex. M-9. Therefore, as per the enquiry proceedings under Ex.M-6 as well as material on record clearly show that one Madar Sab, cable boy was died of fatal injuries due to hit by P-3 shovel bucket being operated by the Petitioner No.1/Shaik Ahmed, operator. The record further shows that Shaik Ahmed threatened the witnesses who were examined during enquiry and also he threatened other employees present on the work spot. The Clauses 16(19), 16(6), 16(5) and 16(1) of standing orders fighting, riotous or disorderly or indecent behavior, willful insubordination or disobedience, causing fatal injuries due to hit of shovel bucket to Madar Sab due to which died; and further conniving and concealment of evidence by Shaik Ahmed were proved by the witnesses examined during enquiry. Further, Ex.W-1 to Ex.W-12 are the Representation of operators union, copy of Judgment in C.C.No.69/1994 of J.M.F.C., Manthani, Appeal and fact finding committee report by A.I.T.U.C., Letter addressed to Chairman & Managing Director, SCCL, Hyderabad, Letter addressed to the Addl. Director of General CBCID, Hyderabad and Letter addressed to the S.P of Police by the union. Apart from the above, the deceased Petitioner No.1/Shaik Ahmed not submitted his explanation to the charge sheet and also not participated in the departmental enquiry. He did not avail the opportunity provided by the respondents to defend himself on the charges framed against him. Hence, Tribunal has no hesitation to hold that the charges leveled against the petitioner No.1/workman are proved.

15. Here, the learned counsel for the L.R petitioners submitted that the imposing capital punishment of dismissal from service by Respondents is highly excessive and shockingly disproportionate. Further, the petitioners submitted that the deceased employee had served the corporation for 8 years without any blemish and he hails from a very poor family and they prayed to consider the case under section 11-A of I.D., Act. Further, the learned counsel for the petitioners strenuously argued that the death of the deceased petitioner/workman may be treated as died in harness while in service and provide compassionate appointment to one of the dependant/LR petitioners.

16. In view of the above decisions and the facts and circumstances of the case, now the question is whether the punishment imposed against the petitioner is proportionate to the alleged misconduct committed by him or not. Here, if we come to quantum of punishment it is settled law that the discretion of which can be exercised under section 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the Court, or the existence of any mitigating circumstances which require the reduction of the sentence, or the past conduct of the workman which may persuade the Labour Court to reduce the punishment. Therefore, in the present case on hand, the charges leveled against the deceased petitioner are proved and the death of the deceased petitioner/workman does not come under the purview of died in harness while in service. Further, died in harness would mean that a person dies while he was in service and does not mean that while on duty, which is not applicable to the present case since the dismissal order is not being set aside and the is confirmed. However, this Tribunal is considering that the past conduct of the petitioner is satisfactory and also the services of 8 years rendered by the deceased employee in the company, the LR petitioners are entitled to receive the service benefits of the deceased petitioner/workman till his dismissal from service, if not already paid. Accordingly, the Point No.2 & 3 are answered in favour of the LR petitioners and against the respondents/company.

17. Therefore, this Tribunal is of the opinion that the punishment imposed on the Petitioner/Workman vide the Proc. dt.17.06.1994 under Ex.M-9 is proportionate to the gravity of misconduct committed by him, hence, it deserves to be confirmed. However, the charges are proved and since the deceased workman died on 22-07-2014, this Tribunal is of the considered opinion that the LR petitioners are entitled to receive the service benefits of the deceased petitioner/workman, as he already died while pending proceedings before the Hon'ble High Court. However, the LR petitioners are not entitled to any back wages, any attendant benefits and any compassionate appointment to meet the ends of justice. Accordingly, the Point No.2 & 3 are answered.

18. **IN THE RESULT**, the petition is dismissed. However, the LR petitioners are entitled to service benefits of the deceased petitioner/ workman from the date of his appointment to his dismissal from service, if not already paid. Copy of the Award be sent to the appropriate Government for publication. Both parties shall bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court, on this the 19th day of December, 2023.

Dr. T. SRINIVASA RAO, Chairman-cum-Presiding Officer

APPENDIX OF EVIDENCE**WITNESSES EXAMINED**

FOR WORKMAN:-

-Nil-

FOR MANAGEMENT:-

-Nil-

EXHIBITSFOR WORKMAN:-

Ex.W-1	Dt.	09.01.1994	List of witness called to enquiry
Ex.W-2	Dt.	17.07.1995	Representation of operators union
Ex.W-3	Dt.	13.05.1995	Statement of Sri Md. Dastagiri, E.P. Operator.
Ex.W-4	Dt.	16.02.1995	C.C of Judgment in calendar case No.69/1994 of J.M.F.C., (Mobile), Manthani
Ex.W-5	Dt.	05.09.1997	Representation of the Singareni OCP all E.P Operators Association Union.
Ex.W-6	Dt.	04.06.1996	Appeal for re-instatement of four E.P Operators of COP-II Reg. and Nija Nirdharana Committee enquiry report.
Ex.W-7	Dt.	24.03.1995	Lr. Addressed to the Chairman & Managing Director, SCCL, Hyderabad by Sri M. Damodar Reddy, Minister for Mines & Geology
Ex.W-8	Dt.	10.01.1996	Lr. Addressed to the Addl. Director of General CBCID, Hyderabad by Sri M. Mallesh, M.L.A Medaram Constituency, Karimnagar District.
Ex.W-9	Dt.	10.01.1996	Statement of Sri Sk. Ahmed, E.P. Operator
Ex.W-10	Dt.	10.01.1996	Lr. Addressed to Sri Bala Gopal, General Secretary, State A.P.C.L.C., by P. Mallaiah and (03) others
Ex.W-11	Dt.	17.01.1994	Lr. Addressed to the Superintendent of Police, Karimnagar by D. Madhava Reddy, working president of the Singareni OCP all E.P. Operators Association, Xerox copy
Ex.W-12	Dt.	02.01.1995	Lr. Addressed to the Commissioner Nija Nirdharana Committee, Godavarikhani by P. Mallesh, E.P. Operator, OCP-II.
Ex.W-13	Dt.	20.07.1994	Application of P. Mallesh, Dumper Operator.
Ex.W-14	Dt.	03.06.1995	Lr. Addressed to Sri M. Damodar Reddy, Minister for A.P Mines & Geology by B. Nagaiah, Convenor E.P. Operators Association, Xerox copy.

FOR MANAGEMENT:-

Ex.M-1	Dt.	07.02.1994	Charge sheet with two Acks.,
Ex.M-2	Dt.	20.02.1994	Enquiry notice with ack.,
Ex.M-3	Dt.	02.03.1994	Enquiry notice with ack.,
Ex.M-4	Dt.	11.03.1994	Enquiry notice with ack.,
Ex.M-5	Dt.	18.03.1994	Enquiry notice with ack.,
Ex.M-6	Dt.	28.02.1994 to 31.03.1994	Enquiry Proceedings
Ex.M-7	Dt.	13.04.1994	Enquiry report along with statement of witnesses etc.,
Ex.M-8	Dt.	18.05.1994	Second show-cause notice
Ex.M-9	Dt.	17.06.1994	Dismissal Order.

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 89.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में dlnh; l jdkj vks| kfxd vf/kdj.k - सह - Je ll; k; ky; , आसनसोल के पंचाट (सन्दर्भ संख्या 19/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11@01@2024 को प्राप्त हुआ था।

[सं. एल-22012/370/2007-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 89.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.19/2008**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **11/01/2024**.

[No. L-22012/370/2007 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 19 OF 2008

PARTIES: Smt. Guddi Devi
Vs.
Management of Madhabpur Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.
For the Management of ECL: Mr. P. K. Das, Adv.

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 27.09.2023**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/370/2007-IR(CM-II)** dated 12.05.2008 has been pleased to refer the following dispute between the employer, that is the Management of Madhabpur Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Madhabpur Colliery under Kajora Area of M/s. ECL in not providing employment to Smt. Guddi Devi, wife of Late Raj Mohan Rajbhar is legal and justified? To what relief is the dependent of the deceased workman entitled? ”

1. On receiving Order **No. L-22012/370/2007-IR(CM-II)** dated 12.05.2008 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 19 of 2008** was registered on 22.05.2008 / 13.04.2009 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Smt. Guddi Devi has filed her written statement on 29.06.2010 through Mr. Rakesh Kumar, Union representative. It is contended in her written statement that Late Rajmohan Rajbhar, her husband was a permanent employee at Madhabpur Colliery under Kajora Area of Eastern Coalfields Limited (hereinafter atment at his native place he could not attend his duty. The reason of absence was informed to the management of ECL through co-workers. However, a Show Cause Notice was issued to Rajmohan Rajbhar on 29/30.04.2005 on the charge of his unauthorized absence from duty. It is her case that no Charge Sheet was served upon the workman and Rajmohan Rajbhar died on 05.11.2005 due to illness at his native place. The information of his death was communicated to the management under registered post on 06.12.2005 after completion of 'Shraddh Ceremony' according to Hindu rights. After the death of Rajmohan Rajbhar management decided to dismiss him from his service and issued a letter of dismissal bearing no. KA:PM:C-6:10:3177 dated 13.12.2005 issued by the Chief General Manager, Kajora Area, ECL. For obvious reason the letter of dismissal could not be served upon him. The workman therefore was on roll of employment of the company during his lifetime, before passing of the order of dismissal.

3. According to the guidelines and provisions of National Coal Wage Agreement (hereinafter referred to as NCWA) - VII, the dependent of the workman who died in harness was entitled to an employment. Smt. Guddi Devi, wife of Late Rajmohan Rajbhar, who was thirty-two years of age at the time of death of her husband applied for her employment.

4. During structural meeting of the company with the union representatives it was decided on 02.07.2008 that if a workman died while he was on roll of the company then one dependent will be provided with employment but in the present case despite submission of application by Smt. Guddi Devi no employment was provided to her and the management on their own accord delayed the entire procedure. It is contended that the Departmental Enquiry was held ex-parte against Late Rajmohan Rajbhar. No Second Show Cause Notice was served upon him and the punishment imposed upon a dead person is a violation of natural justice having no binding upon the deceased workman and his legal heirs.

5. The management of ECL contested the case by filing a written statement dated 18.01.2016 wherein it is asserted that the claim of Smt. Guddi Devi for employment is not valid. According to the management of ECL Rajmohan Rajbhar was terminated from service on 13.12.2005 for his misconduct and long absence from service. A death report was submitted before the management only on 20.08.2009 that the employee had died on 05.11.2005. Therefore, no question of providing employment to the dependent of the workman arose. It is urged that the management is justified in not providing employment to the dependent of the deceased workman.

6. Smt. Guddi Devi in support of her case has filed her affidavit-in-chief reiterating the facts sated in the written statement and examined herself as the workman witness – 1. She was recalled on 10.01.2023 for her re-examination-in-chief as relevant documents were not placed during her earlier evidence. Several documents have been produced by the dependent of the workman which are as follows :

- (i) Photocopy of the Medical prescription of Rajmohan Rajbhar which is marked as Exhibit W-1.
- (ii) Photocopy of the letter dated 28.01.2006 submitted by Smt. Guddi Devi addressed to the Agent of Madhabpur Colliery claiming employment in place of her deceased husband, as Exhibit W-2.
- (iii) Photocopy of the Cremation Certificate dated 05.11.2005 is produced, as Exhibit W- 3.
- (iv) Photocopy of the Death Certificate of Rajmohan Rajbhar, as Exhibit W-4.
- (v) Photocopy of the letter dated 20.09.2011 issued by the Manager, Madhabpur Colliery addressed to the District Magistrate, Gorakhpur, Uttar Pradesh for verification of death of Rajmohan Rajbhar, as Exhibit W-5.
- (vi) Photocopy of the letter dated 29.03.2012 issued by the Additional District Magistrate (City), Gorakhpur after verification of the Death Certificate, as Exhibit W-6.
- (vii) Photocopy of the letter dated 07.10.2013 issued by the Senior Manager (Personnel), Kajora Area addressed to the Welfare Officer, Madhabpur Colliery for deletion of the name of Rajmohan Rajbhar from the roll of Madhabpur Colliery against his death on 05.11.2005 instead of his dismissal on 13.12.2005, as Exhibit W-7
- (viii) Photocopy of the legal heirship Certificate issued by the Block Development Officer, Uruwa, Gorakhpur, Uttar Pradesh as Exhibit W-8.
- (ix) Photocopy of the minutes of the meeting held between representatives of Koyala Mazdoor Congress and management on 02.07.2008 to consider the proposal for employment issued by the Personnel Manager (IR), ECL on 08.11.2008, as Exhibit W-9.
- (x) Photocopy of the minutes of the meeting held between representatives of Koyala Mazdoor Congress and management on 11.04.2007 for providing employment to the dependent of Late Rajmohan Rajbhar issued by the Personnel Manager (Empl/IR), ECL on 29.05.2007 as Exhibit W-10, in three pages collectively.
- (xi) Photocopy of the declaration of the dependent family members of Late Rajmohan Rajbhar, as Exhibit W-11.

- (xii) Photocopy of the letter dated 07.02.2006 issued by the General Secretary of Koyala Mazdoor Congress, addressed to the Assistant Labour Commissioner (Central), Asansol, raising an Industrial Dispute for providing employment to Smt. Guddi Devi, as Exhibit W-12
- (xiii) Photocopy of the Reply submitted by the Agent of Madhabpur Colliery dated 25.10.2006 before the Assistant Labour Commissioner (Central), Asansol, as Exhibit W-13.
- (xiv) Photocopy of the minutes of meeting dated 29.05.2007, held in the office of the Chairman-cum-Managing Director, Santoria Head Office on 11.04.2007 where the Area Office of Kajora was advised to send details of the case of Late Rajmohan Rajbhar along with his Death Certificate and Order of Dismissal for a decision and to process the proposal for employment of the dependent of the deceased employee as Exhibit W-14 in four pages collectively (same as Exhibit W-10).

7. Mr. Ashish Mohan, management witness has filed affidavit-in-chief and was examined as Management Witness-1. In his evidence the witness has tried to justify the dismissal of the workman despite the fact that there are substantial material and Police Verification Report from the Additional District Magistrate (City), Gorakhpur, Uttar Pradesh confirming the death of Rajmohan Rajbhar on 05.11.2005. In course of evidence he has produced the following documents :

- (i) Photocopy of the Chargesheet dated 29/30.04.2005 issued to the workman is marked as Exhibit M-1.
- (ii) Photocopy of the 1st, 2nd, and 3rd Notice of the enquiry are marked as Exhibit M-2, M-3, and M-4 respectively.
- (iii) Photocopy of the copy of Postal Envelop along with A/D under which the Notice were sent to the workman are marked as Exhibit M-5, M-6, and M-7.
- (iv) Photocopy of the Enquiry Proceeding along with the findings in five pages is collectively marked as Exhibit M- 8.
- (v) Photocopy of the Second Show Cause Notice dated 15.11.2005 issued to the workman, as Exhibit M-9.
- (vi) Photocopy of the Dismissal Letter dated 13.12.2005 issued to Rajmohan Rajbhar by the Chief General Manager, Kajora Area, as Exhibit M-10.
- (vii) Photocopy of the postal envelope along with A/D under which the Letter of Dismissal of Rajmohan Rajbhar was sent at his address and returned to the sender with report of the Postman that the addressee had died. The document in two pages is marked, as Exhibit M-11.
- (viii) Photocopy of the letter of Smt. Guddi Devi addressed to the Manager of Madhabpur Colliery, claiming employment as a dependent, as Exhibit M-12.
- (ix) Photocopy of the Death Certificate of Rajmohan Rajbhar, as Exhibit M-13.
- (x) Photocopy of the letter dated 22.12.2008 issued by the Dy.C.P.M., Kajora Area to the Agent of Madhabpur Colliery, as Exhibit M-14.

8. In the backdrop of this case the departmental enquiry and dismissal of the workman has no significance nor any importance as he died while he was on the roll of employment of the company. So far as the Enquiry Proceeding is concerned the management witness admitted that he has no document to show that he Charge Sheet was served upon the chargesheeted employee nor could he adduce evidence to establish that the Second Show Cause Notice dated 15.11.2005 was served upon the workman.

9. In course of cross-examination of Smt. Guddi Devi, the management has not refuted her statement in the affidavit-in-chief that on 06.12.2005 she had informed the management of ECL about her husband's death through a registered letter.

10. The Minutes of Meeting dated 29.05.2007 held between representatives of management namely, Mr. A. Chattapadhyay, Director (Personnel), Mr. S.K. Singh, CPM(P&IR), and MR. T. B. Raju, PM(Empl./IR) with the union representatives including Mr. Rakesh Kumar, General Secretary of Koyala Mazdoor Congress at the Office of the Chairman-cum-Managing Director on 11.04.2007, where in page no.- (3), paragraph – (8) it was noted that Late Rajmohan Rajbhar, ex-worker of Madhabpur Colliery, workman died before his dismissal and that direction should be issued for processing the employment proposal of the dependent as the workman was on the roll of the company at the time of death. It is further recommended in the Minutes of Meeting that death of the employee was prior to the dismissal order, accordingly Area Office was advised to send the details of the case along with Death Certificate and Order of Dismissal for decision and to process the proposal of employment to the dependent of the deceased employee. It is evident for the Minutes of Meeting that the management of ECL was aware of the fact that Rajmohan Rajbhar had died before processing of order of dismissal and he was in harness at the time of death. The question of legitimacy and propriety of dismissal therefore is not within the purview of consideration any longer. It is

an admitted fact that a workman who dies before his dismissal is considered to be on the roll of the company on the date of his death. Therefore, the contention of the management in their written statement that the death report of Rajmohan Rajbhar was submitted before the management on 20.08.2009 after his dismissal is unfounded and does not hold good.

11. From Exhibit W-2 I find that Smt. Guddi Devi submitted an application addressed to the Agent of Madhabpur Colliery / Khas Kajora Group under Kajora Area of ECL on 28.01.2006 informing that her husband died on 05.11.2005. She prayed for employment on compassionate ground as dependent of Late Rajmohan Rajbhar under the provision of NCWA-VII. The application was received by the representative of the management and it appears to have been forwarded to the Head Office of ECL at Sanctoria on 02.08.2006. I have no hesitation to hold that there was absolutely no delay on the part of the dependent wife of the ex-workman in submitting her application before the management of ECL, which she did within a span of only three months from the date of death of her husband.

12. The sequence of events and course of procedure resorted to by the management appears to have contributed to the delay in settling the issue of providing employment to the dependent of the deceased workman. Minutes of Meeting held between the management representative and union representative of Koyala Mazdoor Congress dated 29.05.2007 has been produced in four pages as Exhibit W-14. Paragraph – (8) in Page no. 3 of the Minutes of Meeting disclose that that Late Rajmohan Rajbhar, ex-worker of Madhabpur Colliery, workman died before his dismissal and direction should be issued for processing the employment proposal as workman was on the roll of employment of the company at the time of death. Union informed that the death of the employee was prior to dismissal, Area Office was advised to send the details of the case along with death Certificate and Order of Dismissal for decision and to process the proposal for employment to the dependent of the deceased employee. Dy. CPM of Kajora Area was accordingly instructed to take action. This document has not been challenged in course of cross-examination therefore the decision taken in the office of the Chairman-cum-Managing Director, Po-Disergarh, Dist-Burdwan on 11.04.2007 in presence of the management representatives holds good.

13. Management had occasion to consider the Death Certificate of Rajmohan Rajbhar issued by the Government of Uttar Pradesh, wherein his date of death was recorded as 05.11.2005 and the death was registered soon thereafter on 13.11.2005. In another meeting held in the office of Chairman-cum-Managing Director on 02.07.2008, the representatives of the management and union agreed upon the fact that Rajmohan Rajbhar, ex-workman of Madhabpur Colliery died before his dismissal and the union requested to issue direction to process the employment proposal on the ground that the workman was on roll of the company on the date of his death. It was advised to consider the employment proposal along with full facts regarding date of death and date of dismissal after verification of genuineness of death on priority basis and put up for competent decision to dispose of the claim on merit. The Deputy Personnel Manager (Empl)Ed. and Personnel Manager (I/C) of Kajora Area were marked to take necessary action. The document in seven pages has been produced on behalf of the petitioner / dependent of the workman as Exhibit W-9. On juxtapose of the two Minutes of Meeting dated 29.05.2007 (Exhibit W-14) and 08.11.2008 (Exhibit W-9) it appears that the management of the company was fully aware about the claim for employment but did not make any progress from May, 2007 to November, 2008 and valuable time had been wasted by only instructing the office for verifying the genuineness of the death certificate and date of dismissal. It appears from Exhibit W-5, a copy of letter dated 20.09.2011 issued by the Manager of Madhabpur Colliery addressed to the District Magistrate of Gorakhpur, Uttar Pradesh that a request was made for verification of the Death Certificate of Rajmohan Rajbhar, ex-employee of Madhabpur Colliery of ECL. In reply to the said application dated 20.09.2011 the Additional District Magistrate (City) of Gorakhpur in his letter dated 29.03.2012 addressed to the Manager of Madhabpur Colliery, which is marked as Exhibit W-6 enclosed the letter of Block Development Officer, Uruwa, Gorakhpur dated 09.01.2012 verified and informed that Rajmohan Rajbhar expired on 05.11.2005. It is evident from such communication that the date of death of Rajmohan Rajbhar is 05.11.2005. Accordingly, the question whether the workman died before issuance of the letter of dismissal on 13.12.2005 has been set at rest.

14. The Senior Manager (Personnel) Kajora Area in his letter No. KA/APM(IC)/C-6/23/997 dated 07.10.2013 addressed to the Welfare Officer, Madhabpur Colliery referred to the Note Sheet bearing no. 320/819 dated 11.02.2012/01.04.2013 initiated by the Welfare Officer (T), Madhapur Colliery for deletion of the name of Rajmohan Rajbhar from the roll of Madhabpur Colliery against 'Death on 05.11.2005' instead of 'Dismissal on 13.12.2005', on the captioned subject matter. It was further stated that a Reference case No. 19 of 2008 (The management of Madhabpur Colliery, Kajora Area vs their workman), on the self-same cause of action was pending before the Central Government Industrial Tribunal -Cum- Labour Court, Asansol and the Welfare Officer was requested to inform the status of the Reference case No. 19 of 2008, if pending before the Central Government Industrial Tribunal -Cum- Labour Court, Asansol and to forward the written statement filed on behalf of the management. The copy of the letter has been produced as Exhibit W-7. It would transpire from the letter dated 07.10.2013 that the management of ECL proceed in a lackadaisical manner in arriving at any decision. Having participating in the two meetings held on 11.04.2007 and 02.07.2008 no headway was made in arriving at any decision but the entire issue was kept pending. It is evident that the delay was caused at the instance of the management in not considering the prayer of Smt. Guddi Devi for employment.

15. The Service Record of Late Rajmohan Rajbhar was maintained by the management of the company since 1992. It appears from such record (Exhibit W-11) that Smt. Guddi Devi was twenty-two years in 1992. Therefore, her age at the time of death of her husband in the year 2005 was thirty-five years. Even after having specific information about the dependents of the deceased workman as well as the verification report from the office of the District Magistrate, Gorakhpur and the Additional District Magistrate (City), Gorakhpur the management of ECL did not consider the prayer for employment of his widow. While contesting the Industrial Dispute management harped upon the of Enquiry Proceeding and the Order of Dismissal. Mr. Ashish Mohan, Management Witness – 1, representing the management has cast away the issue of death of Rajmohan Rajbhar and insisted upon his dismissal by way of a Departmental Proceeding. In course of his evidence management witness – 1 admitted that he was unable to produce document to show that Charge Sheet was served upon Rajmohan Rajbhar. He stated that the workman did not participate in the Enquiry Proceeding and management witness - 1 was also unable to produce any document to prove that the Second Show Cause Notice issued to the workman on 15.11.2005 was actually served upon him. The witness deposed that the letter of dismissal sent under the registered post was returned with report of the Postman that the addressee had died. Though the management witness in his affidavit-in-chief averred that the management is totally justified in dismissing the workman from service and did not act in an arbitrary manner or in violation of natural justice, I am of the view that the dismissal of Rajmohan Rajbhar after his death was invalid, inoperative and void. The management of the company under the established principle of law is bound to consider Rajmohan Rajbhar to be in the roll the company on the date of his death.

16. The claim of the Union is based on the provisions of Clause 9.3.2 and 9.3.3 of NCWA-VI, which continues to be operative under NCWA-VII. The wife of deceased employee is eligible for employment under the scheme of NCWA. On close scrutiny of the evidence adduced on behalf of the dependent of the deceased workman it appears from Exhibit W-2 that Smt. Guddi Devi had informed the death of her husband to the Agent of Madhabpur Colliery, Kajora Area of ECL and forwarded a copy of the same to CMD of ECL, DP of ECL, CGM, Kajora Area, Manager of Madhabpur Colliery. The intimation was received on 02.03.2006 at ECL Headquarters, Sanctoria and bears a seal of the same. In course of cross-examination the document remained uncontroverted. Therefore, it is clear to us that Smt. Guddi Devi had submitted her application before the management of ECL claiming employment within a period of six months from the date of death of her husband. The management pleaded its inability to consider the prayer for employment on the ground of delayed claim but the delay appears to have occurred at the instance of the management for which the dependent of the deceased workman is not responsible. It is true that in case of compassionate employment delay defeats the claim as held by various courts but in the present case the management of ECL has deprived the family of the deceased employee by not extending any assistance in time which they have agreed upon at the time of framing rules and the provisions of NCWA. The management cannot take advantage of their own fault and their contributory negligence in not dealing with the issue within a frame of time otherwise the provisions of NCWA will lose their credibility and would be rendered futile. In my considered view the management of ECL is liable to pay monetary compensation to Smt. Guddi Devi from the date of death of her husband Rajmohan Rajbhar till she is provided with a suitable employment consistent with her capacity.

17. It is to be borne in mind that the commitment of the company in providing employment and monetary compensation to female dependent under Clause 9.5.0 of NCWA – VI and VII and also to provide an employment to one dependent of the worker who dies while in service according to the Clause 9.3.2 of NCWA-VII is an outcome of a collective decision of the management and Union. Under no circumstance the decision of providing employment should be treated as a subjective issue to frustrate the cause of the employee.

18. In view of the facts and circumstances, I find it to be a fit case where the management of ECL should be stopped from taking the plea of “delay” for not providing employment to the widow of the deceased employee. The management of ECL is therefore directed to provide suitable employment to Smt. Guddi Devi within three months from the date of communication of the Notification of the Award and pay monetary compensation from the date of death of her husband till providing her with an employment.

Hence,

ORDERED

that the Industrial Dispute is accordingly allowed in favour of Smt. Guddi Devi, wife of Late Rajmohan Rajbhar on contest. An award be drawn up in the light of my above findings. The management of ECL is directed to provide suitable employment to Smt. Guddi Devi within three months from the date of communication of the Notification of the Award and also disburse monetary compensation to her from the date of death of her husband till providing her with an employment. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

dk-vk- 90.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में dlnh; l jdkj vks| kfxd vf/kdj.k - सह - Je ll; k; ky; , आसनसोल के पंचाट (सन्दर्भ संख्या 69/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11@01@2024 को प्राप्त हुआ था।

[सं. एल-22012/57/2007-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 18th January, 2024

S.O. 90.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.69/2007**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **11/01/2024**.

[No. L-22012/57/2007 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 69 OF 2007

PARTIES: Sunil Majhi
Vs.
Management of Monoharbahal Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.
For the Management of ECL: Mr. P. K. Goswami, Adv.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 26.09.2023

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/57/2007-IR(CM-II)** dated 08.08.2007 has been pleased to refer the following dispute between the employer, that is the Management of Monoharbahal Colliery under Salanpur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Monoharbahal Colliery of M/s. ECL in dismissing Sri Sunil Majhi from services w.e.f. 14.12.2002 is legal and justified? If not, to what relief is the workman entitled? ”

1. On receiving Order **No. L-22012/57/2007-IR(CM-II)** dated 08.08.2007 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 69 of 2007** was registered on 04.09.2007 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. R. K. Tripathi, the Chief Organizing Secretary of Koyala Mazdoor Congress filed written statement on 12.08.2009 on behalf of the dismissed workman, Sunil Majhi having U.M. No. 142072. The fact of the workman's case delineated in the written statement is that he could not attend his duty from 27.02.2002 due to illness. After recovering he reported for duty along with his medical certificate in support of his illness but he was not allowed to join his duty. On the other hand, the management of Eastern Coalfields Limited (hereinafter referred to as ECL) issued Charge Sheet against him and later on dismissed him from service of the company w.e.f. 19.12.2002 vide letter of dismissal no. C-6/36/P-2390 dated 14/19.12.2002. Further case of the workman is that no Second Show Cause Notice was issued to him, contrary to the mandate of the Hon'ble Supreme Court of India and no opportunity was given to him to defend himself. In course of enquiry, it has been claimed that the management breached natural justice and imposed disproportionate punishment. Furthermore, despite representation by the workman and union representative before the management, the workman was not reinstated in service. In the written statement it is prayed that the management of Monoharbahal Colliery under Salanpur Area of ECL may be directed to reinstate the workman in service.

3. The management of ECL contested the case by filing a written statement on 12.08.2009, wherein it is submitted that Sunil Majhi was designated as Underground Loader. He was chargesheeted on 05.07.2002 for his misconduct of unauthorized absence from duty from 27.02.2002 and he was a habitual absentee. Sunil Majhi replied the Charge levelled against him and participated in the enquiry proceeding, wherein he was provided with an opportunity to defend himself and disprove the charges. The Enquiry Officer after considering all materials found the workman guilty and submitted his report. It is contended that Mr. R. K. Tripathi by his letter dated 03.07.2006 raised an Industrial Dispute regarding dismissal of Sunil Majhi after a lapse of four years without citing any reason for such delay. It is further contended that the workman was initially posted at Patmohna Colliery of ECL and he was dismissed on 26.02.1996 for his unauthorized absence from duty but his dismissal was withdrawn on 14.03.1997 and he was transferred to Monoharbahal Colliery of ECL. However, he failed to rectify his conduct. The management of ECL urged that the punishment imposed against the workman by way of dismissal is appropriated and the workman is not entitled to any relief.

4. Sunil Majhi (workman witness – 1) adduced evidence and filed an affidavit-in-chief in support of his case. He has averred in his affidavit-in-chief that he could not attend his duty from 27.02.2002 due to his illness. After his recovery he reported for duty along with medical certificate but he was not allowed to resume his duty and he was chargesheeted which finally resulted in his dismissal. He further stated that he submitted medical certificate at the time of enquiry but the management did not consider his case. His main contention is that no Second Show Cause Notice was issued to him. Therefore, ample opportunity was not provided to defend himself. The workman claimed that his dismissal from service is a harsh and disproportionate punishment compared to the nature of offence alleged to have been committed by him.

In course of cross-examination the witness admitted that he was absent from duty for seven months and he was treated by a doctor but he failed to produce any medical prescription of the doctor who treated him during his absence from duty. The witness further stated that he was treated by a doctor at Durga Mandir, Asansol but failed to state his name. The witness admitted that though no fee was required to be paid to a colliery doctor he never received any treatment at the colliery. The cross-examination of workman witness – 1 reveals that he was dismissed from his work on earlier occasion at Patmohna Colliery due to his absence from duty. It may be derived from his statement that presently he is engaged as a daily labour for his earning and maintaining his wife and children. The workman did not produce any document in course of his evidence.

5. Mr. Rajendra Ram, Senior Manager Personnel, Salanpur Area of ECL has been examined as Management Witness – 1. He has stated in his affidavit-in-chief that Sunil Majhi was absent from duty from 27.02.2002 without any information. The workman submitted his reply against the Charge Sheet but the same was not satisfactory and a departmental enquiry was started. The workman participated in the enquiry proceeding where he adduced evidence. The workman was found guilty and a report was submitted by the Enquiry Officer. On the basis of such enquiry the workman was dismissed. Management witness – 1 also stated in the affidavit-in-chief that on earlier occasion the workman was dismissed at Patmohna Colliery but later on he was reinstated.

6. In course of his evidence following documents have been produced by the management witness :

- (i) Photocopy of the Charge Sheet dated 05.07.2002 issued to Sunil Majhi, as Exhibit M-I.
- (ii) Photocopy of the Reply dated 21.09.2002 submitted by the workman against the Charge Sheet, as Exhibit M-II.
- (iii) Photocopy of the documents relating to the Enquiry Proceeding and its Findings are collectively marked as Exhibit M-III(a) and M-III(b).
- (iv) Photocopy of the letter of dismissal dated 14/19.12.2002, as Exhibit M-IV.

The witness admitted that the Second Show Cause Notice was not issued to the workman before his dismissal.

7. Mr. Rakesh Kumar, Union representative subsequently represented the dismissed workman on behalf of Koyala Mazdoor Congress and argued that the management of the company did not take into consideration the reason for absence of the workman and was dismissed from service without supplying the findings of the Enquiry Officer. It is contended that the punishment of dismissal from service for absence from duty is disproportionate to the alleged charges. Furthermore, the Enquiry Officer and the Disciplinary Authority being two separate authorities, the workman ought to have been supplied with a copy of Enquiry proceeding and report to provide him with an opportunity to respond to the findings against him before the final decision of dismissal taken against him. Mr. Kumar relied upon the mandate of the Hon'ble Supreme Court of India in the case of **Union of India and Others vs Mohd. Ramzan Khan [AIR (1991) SC 471]** and the Circular of Coal India Limited bearing no. CIL C-5A(VI)/50774/28 dated 12.05.1994, wherein the Director (P&IR), CIL observed that the law laid down in Mohd. Ramzan Ali's case would operate prospectively to the orders of punishment passed after 20th November, 1990. Accordingly, the Enquiry Report should be supplied to the charged employee and while communicating the final order it must be mentioned that the representation of the employee was taken into consideration by the Disciplinary Authority. It is argued that the order of dismissal passed by the management (Exhibit M-IV) is arbitrary, illegal and liable to be set aside. It is argued that the workman has been deprived of his right to life due to his premature and illegal dismissal from service and he should be reinstated in his service.

8. Mr. P. K. Goswami, learned advocate for the Management of ECL argued that Sunil Majhi is a habitual absentee and his conduct in service has disrupted smooth functioning of the company's activity. It is argued that the workman was given ample opportunity to defend his case and to explain the reason of his absence but he failed to produce any Medical Certificate in support of his illness. The workman was previously dismissed from his service for unauthorized absence at Patmohana Colliery but later on an opportunity was granted to him by way of his reinstatement. The workman did not rectify his conduct and continued to remain absent from duty for which the Enquiry Officer found him guilty of his offence in his report (Exhibit M-III(b)). The General Manager of Salanpur Area of ECL on the basis of the Enquiry Report issued a Letter of Dismissal on 19.12.2002, which is produced as Exhibit M-IV. Learned advocate argued that the procedure have been duly followed except issuance of the Second Show Cause Notice and there is nothing to interfere in the Order of Dismissal.

9. I have carefully considered the facts and circumstances of the case, evidence produced by the parties, documents produced by the management and the law involved. Admittedly, Sunil Majhi had remained absence from duty without any prior information to the management from 27.02.2002 till issuance of Charge Sheet on 05.07.2002. The conduct of the workman attracts imputation for his second offence of remaining absent. The Charge Sheet (Exhibit M-I) clearly disclosed that prior to his absence from duty w.e.f. 27.02.2002 he had performed duty for 160 days in the year 1999, 112 days in the year 2000, and 79 days in the year 2001. During his posting at Patmohana Colliery of ECL he was dismissed from service on 26.02.1996 and was reinstated on 14.03.1997. The workman having received the Charge Sheet submitted a reply on 21.09.2002, copy of the same has been produced as Exhibit M-II. The workman stated that due to serious disease he was under the treatment of Dr. P. K. Dutta, Ushagram, Asansol and prayed for allowing him to join his duty. No medical certificate was enclosed with his application. The management in course of Departmental Enquiry examined Sunil Majhi who stated that he was under treatment of Dr. P. K. Dutta, ex-Medical Officer of Central Hospital, Kalla from 27.02.2002 to 13.09.2002 and produced his Medical Certificate. His only fault is that he did not inform the management. In the Enquiry Proceeding a cryptic Finding has been made in eight lines where the Enquiry Officer has stated that the workman was really suffering from Chest disease which was supported by Dr. P. K. Dutta's prescription but the previous record of the workman shows that he was a habitual unauthorized absentee so the charge levelled against him was proved. In my considered view the Findings of the Enquiry Officer (Exhibit M-III(b)) suffers from self-contradiction. It has been found from the relevant document and statement of the workman that "he was really suffering from chest disease which was supported by the Doctor P. K. Dutta's prescription in different consultation." But due to his previous absence for which he had been earlier dismissed from service and then reinstated, the Enquiry Officer found the charge levelled against him for unauthorized absence was proved. The Findings of the Enquiry Officer suffers from lack of appreciation of facts. The previous absence of the workman which was absolved and he was reinstated cannot be taken up as a fresh charge as it would amount to double jeopardy resulting in violation of natural justice. He appears to be prepossessed with the idea of the previous absence of the workman for which he was already been punished. From the facts and circumstances and available material, I find that the finding of the Enquiry Officer is not consistent with the facts of the case. I also find that the management of the company has failed to comply the direction of the Hon'ble Supreme Court of India in the case of **Union of India and Others vs Mohd. Ramzan Khan [AIR (1991) SC 471]**, wherein the Hon'ble Supreme Court of India laid down the law as follows:

"When the Inquiry Officer is not the Disciplinary Authority, the delinquent employee has a right to receive a copy of the inquiry officer's report before the Disciplinary Authority arrives at its conclusion with regard to the charges levelled against him. A denial of the inquiry officer's report before the Disciplinary Authority takes its decision on the charges, is denial of opportunity to the employee to prove his innocence and is a breach of principles of natural justice."

10. In the case of **Managing Director, ECIL, Hyderabad vs. B. Karunakaran [1993 (3) SLR 532 (SC)]**, the Hon'ble Supreme Court of India on further examination laid down the following guidelines and direction :

"It is evident where the Inquiry Officer is other than the Disciplinary Authority, the disciplinary proceeding break into two stages. The first stage when the Disciplinary Authority arrives at its conclusion on the basis of evidence, Inquiry Officer's report and the delinquent employee's reply to it. The second stage begins when the Disciplinary Authority decides to impose penalty on the basis of its conclusion. If the Disciplinary Authority decides to drop the proceeding, the second stage is not even reached. The employee's right to receive the report is thus, a part of the reasonable opportunity of defending himself in the first stage of inquiry. If he right is denied to him, he is in effect denied the right to prove his innocence in the disciplinary proceeding."

11. The management witness in his cross-examination has admitted that no Second Show Cause Notice was issued to the workman before his dismissal. This is a clear admission of the fact that the management did not comply their own Circular No. CIL C-5A(VI)/50774/28 dated 12.05.1994, wherein reference was made to the decisions of the Hon'ble Supreme Court of India and the Director (P&IR), CIL clearly indicated that the law laid down in Mohd. Ramzan Ali's case would operate prospectively to the orders of punishment passed after 20th November, 1990. The Enquiry Report should be supplied to the charged employee and while communicating the final order it must be mentioned that the representation of the employee was taken into consideration by the Disciplinary Authority.

12. Being guided by the aforesaid provisions of law laid down by the Hon'ble Supreme Court of India, I hold that the management of Monoharbahal Colliery under Salanpur Area of ECL has not complied the mandate of the Hon'ble Supreme Court of India in the aforesaid case and also failed to comply the Circular of Coal India Limited dated 12.05.1994, resulting in gross breach of natural justice. The facts of the case demonstrate that the charge levelled against the workman was actually not proved as he had adduced substantial evidence in support of his illness, which was reinforced by the Medical Prescriptions that were submitted in course of the Enquiry Proceeding.

13. Considering all these aspects I hold that the management of ECL has acted in an arbitrary and unjust manner in dismissing Sunil Majhi from his service. The letter of dismissal bearing no. C-6/36/P-2390 dated 14/19.12.2002 issued by the General Manager of Salanpur Area, ECL is liable to be set aside for not having considered the fact situation as well as not complying the mandate of the Hon'ble Supreme Court of India. This is a fit case where the workman should be reinstated in his service within a month from the communication of the Notification of the Award. Since the workman has not rendered any service for several years and had resorted to alternative means of livelihood for his survival, he is not entitled to any pay for the period of his absence from duty on the basis of the principle of 'no work no pay'. The period of absence from duty shall be treated as dies non. Any delay in compliance will entitle the workman to compensation for the remaining period of his service.

Hence,

ORDERED

that the Industrial Dispute is decided in favour of Sunil Majhi on contest. The letter of dismissal bearing no. C-6/36/P-2390 dated 14/19.12.2002 issued by the General Manager of Salanpur Area, ECL is hereby set aside. The management of Monoharbahal Colliery under Salanpur Area of ECL is directed to reinstate Sunil Majhi in service within one (1) month from the communication of the Notification of the Award. An Award be drawn up in favour of Sunil Majhi in the light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 91.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और ijeजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (72/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-16]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 91.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.72/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Paramjit Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-16]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.72/2016

Registered On:-11/11/2016

Paramjit Kaur W/o Piara Singh, C/oHarpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-07.12.2023**

1. The workman Paramjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 92.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और CYजीत कौर ,कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (73/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी.1)-17]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 92.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.73/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Baljeet Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-17]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.73/2016

Registered On:-11/11/2016

Baljeet Kaur W/o Satpal Singh C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1.The Admn. Commander, Station Head Quarter, Military Area, Patiala.

2.Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-07.12.2023

1. The workman Baljeet Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 93.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और सुखविंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (74/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-1)-18]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 93.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.74/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sukhwinder Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-18]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.74/2016

Registered On:-11/11/2016

Sukhwinder Kaur W/o Bikarjit Singh C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1.The Admn. Commander, Station Head Quarter, Military Area, Patiala.

2.Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-07.12.2023

1. The workman Sukhwinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 94.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और भिंदर कौर , कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (76/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-20]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 94.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.76/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Bhinder Kaur.Worker.

[No. L-12025/01/2024- IR(B-I) -20]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 76/2016

Registered On:-11/11/2016

Bhinder Kaur W/o Dharam Pal C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1.The Admn. Commander, Station Head Quarter, Military Area, Patiala.

2.Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-07.12.2023

1. The workman Bhinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 95.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्योरिटी ऑर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-65/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/27/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 95.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 65/2017**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd.** and **The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/27/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/65/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,
Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus

M/s Prism Cement Limited,
Village-Mankahari,
Tehsil - Rampur-Baghelan,
District-Satna (MP)-485111.

M/s Ravi Security Organisation Pvt. Ltd.,
126, Mayur Market, Thatipur,
Gwalior (MP)-474011.

Management

AWARD

(Passed on this 7th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/27/2016-IR(M) dt.09/05/2017. The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd w.e.f. 1-4-2016 Whether the termination of service of Mr. Raj Bahore Sharma w.e.f. 15/5/2016 is legal proper and justified? Whether Mr. Raj Bahore Sharma is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on par with other 141 Security (Guards) with all back wages and other benefits or not?

2) W.e.f. 1/4/2016, Mr. Raj Bahore Sharma is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Raj Bahore Sharma, Security Guard and M/s Prism Cement Ltd or not?

3) Wef. 1/4/2016 Mr. Raj Bahore Sharma is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wages for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?

4) Who has terminated the service of Mr. Raj Bahore Sharma, w.e.f. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,

5) Whether Mr. Raj Bahore Sharma has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.

6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 96.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्कोरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम

न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-66/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/28/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 96.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 66/2017**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd.** and **The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/28/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/66/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,

Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus

M/s Prism Cement Limited,

Village-Mankahari,

Tehsil - Rampur-Baghelan,

District-Satna (MP)-485111.

M/s Ravi Security Organisation Pvt. Ltd.,

126, Mayur Market, Thatipur,

Gwalior (MP)-474011.

Management

AWARD

(Passed on this 7Th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number No. L-29011/28/2016-IR(M) dt.09/05/2017 . The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd we.f. 1-4-2016 Whether the termination of service of Mr. Susheel Kumar Tiwari we.f. 15/5/2016 is legal proper and justified? Whether Mr. Susheel Kumar Tiwari is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on per with other 141 Security (Guards) with all back wages and other benefits or not?

- 2) W.e.f. 1/4/2016, Mr. Susheel Kumar Tiwari is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Susheel Kumar Tiwari, Security Guard and M/s Prism Cement Ltd or not?
- 3) Wef. 1/4/2016 Mr. Susheel Kumar Tiwari is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wags for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?
- 4) Who has terminated the service of Mr. Susheel Kumar Tiwari, w.e.f. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,
- 5) Whether Mr. Susheel Kumar Tiwari has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.
- 6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 97.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्योरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-67/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/29/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 97.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 67/2017) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd. and The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/29/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/67/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,
Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus

M/s Prism Cement Limited,
Village-Mankahari,
Tehsil - Rampur-Baghelan,
District-Satna (MP)-485111.
M/s Ravi Security Organisation Pvt. Ltd.,
126, Mayur Market, Thatipur,
Gwalior (MP)-474011.

Management

AWARD

(Passed on this 7th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/29/2016-IR(M) dt.09/05/2017. The dispute under reference related to :-

- "1) There are about 153 contract security guards under M/s SIS (1) Ltd w.e.f. 1-4-2016 Whether the termination of service of Mr. Amit Kumar Dubey w.e.f. 15/5/2016 is legal proper and justified? Whether Mr. Amit Kumar Dubey is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on per with other 141 Security (Guards) with all back wages and other benefits or not?
- 2) W.e.f. 1/4/2016, Mr. Amit Kumar Dubey is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Amit Kumar Dubey, Security Guard and M/s Prism Cement Ltd or not?
- 3) Wef. 1/4/2016 Mr. Amit Kumar Dubey is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wags for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?
- 4) Who has terminated the service of Mr. Amit Kumar Dubey, w.e.f. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,
- 5) Whether Mr. Amit Kumar Dubey has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.
- 6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 98.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्स्योरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-68/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/30/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 98.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 68/2017**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd.** and **The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/30/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/68/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,

Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus

M/s Prism Cement Limited,

Village-Mankahari,

Tehsil - Rampur-Baghelan,

District-Satna (MP)-485111.

M/s Ravi Security Organisation Pvt. Ltd.,

126, Mayur Market, Thatipur,

Gwalior (MP)-474011.

Management

AWARD

(Passed on this 7Th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/30/2016-IR(M) dt.09/05/2017. The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd we.f. 1-4-2016 Whether the termination of service of Mr. Umesh Kumar Pandey we.f. 15/5/2016 is legal proper and justified? Whether Mr. Umesh Kumar Pandey is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on per with other 141 Security (Guards) with all back wages and other benefits or not?

2) We.f. 1/4/2016, Mr. Umesh Kumar Pandey is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Umesh Kumar Pandey, Security Guard and M/s Prism Cement Ltd or not?

3) We.f. 1/4/2016 Mr. Umesh Kumar Pandey is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his

wags for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?

4) Who has terminated the service of Mr. Umesh Kumar Pandey, w.e.f. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,

5) Whether Mr. Umesh Kumar Pandey has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.

6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 99.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्योरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-69/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/31/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 99.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 69/2017) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd. and The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/31/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/69/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,

Post-Birla Vikas, Satna (MP)-485005.

Workman**Versus**

**M/s Prism Cement Limited,
Village-Mankahari,
Tehsil - Rampur-Baghelan,
District-Satna (MP)-485111.
M/s Ravi Security Organisation Pvt. Ltd.,
126, Mayur Market, Thatipur,
Gwalior (MP)-474011.**

Management**AWARD**

(Passed on this 7th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/31/2016-IR(M) dt.09/05/2017 . The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd we.f. 1-4-2016 Whether the termination of service of Mr. Manoj Sharma we.f. 15/5/2016 is legal proper and justified? Whether Mr. Manoj Sharma is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on par with other 141 Security (Guards) with all back wages and other benefits or not?

2) We.f. 1/4/2016, Mr. Manoj Sharma is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Manoj Sharma, Security Guard and M/s Prism Cement Ltd or not?

3) We.f. 1/4/2016 Mr. Manoj Sharma is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wags for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?

4) Who has terminated the service of Mr. Manoj Sharma, we.f. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,

5) Whether Mr. Manoj Sharma has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services we.f. 15/5/2016.

6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 100.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्योरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-70/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/32/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 100.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 70/2017**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd.** and **The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/32/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/70/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,

Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus

M/s Prism Cement Limited,

Village-Mankahari,

Tehsil - Rampur-Baghelan,

District-Satna (MP)-485111.

M/s Ravi Security Organisation Pvt. Ltd.,

126, Mayur Market, Thatipur,

Gwalior (MP)-474011.

Management

AWARD

(Passed on this 7Th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/32/2016-IR(M) dt.09/05/2017 . The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd we.f. 1-4-2016 Whether the termination of service of Mr. Raj Kishore Mishra we.f. 15/5/2016 is legal proper and justified? Whether Mr. Raj Kishore Mishra is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on per with other 141 Security (Guards) with all back wages and other benefits or not?

2) We.f. 1/4/2016, Mr. Raj Kishore Mishra is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Raj Kishore Mishra, Security Guard and M/s Prism Cement Ltd or not?

3) We.f. 1/4/2016 Mr. Raj Kishore Mishra is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wags for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?

- 4) Who has terminated the service of Mr. Raj Kishore Mishra, w.ef. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,
- 5) Whether Mr. Raj Kishore Mishra has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.
- 6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 101.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्योरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबंध में नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स नं.-59/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/20/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 101.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 59/2017) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd. and The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/20/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/59/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,

Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus**M/s Prism Cement Limited,****Village-Mankahari,****Tehsil - Rampur-Baghelan,****District-Satna (MP)-485111.****M/s Ravi Security Organisation Pvt. Ltd.,****126, Mayur Market, Thatipur,****Gwalior (MP)-474011.****Management****AWARD****(Passed on this 7Th day of December-2023.)**

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/20/2016-IR(M) dt.09/05/2017 . The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd w.e.f. 1-4-2016 Whether the termination of service of Mr. Ramlakhan Singh w.e.f. 15/5/2016 is legal proper and justified? Whether Mr. Ramlakhan Singh is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on par with other 141 Security (Guards) with all back wages and other benefits or not?

2) W.e.f. 1/4/2016, Mr. Ramlakhan Singh is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Ramlakhan Singh, Security Guard and M/s Prism Cement Ltd or not?

3) Wef. 1/4/2016 Mr. Ramlakhan Singh is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wages for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?

4) Who has terminated the service of Mr. Ramlakhan Singh, w.e.f. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,.

5) Whether Mr. Ramlakhan Singh has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.

6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 102.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्योरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबंध में नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-60/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/22/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 102.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 60/2017**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd.** and **The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/22/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/60/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,

Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus

M/s Prism Cement Limited,

Village-Mankahari,

Tehsil - Rampur-Baghelan,

District-Satna (MP)-485111.

M/s Ravi Security Organisation Pvt. Ltd.,

126, Mayur Market, Thatipur,

Gwalior (MP)-474011.

Management

AWARD

(Passed on this 7Th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/22/2016-IR(M) dt.09/05/2017 . The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd we.f. 1-4-2016 Whether the termination of service of Mr. Sabha Raj Singh we.f. 15/5/2016 is legal proper and justified? Whether Mr. Sabha Raj Singh is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on per with other 141 Security (Guards) with all back wages and other benefits or not?

2) We.f. 1/4/2016, Mr. Sabha Raj Singh is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (I) Ltd. Whether there is master & servant relationship between Mr. Sabha Raj Singh, Security Guard and M/s Prism Cement Ltd or not?

3) We.f. 1/4/2016 Mr. Sabha Raj Singh is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wags for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?

4) Who has terminated the service of Mr. Sabha Raj Singh, we.f. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd.,

5) Whether Mr. Sabha Raj Singh has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.

6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 103.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्योरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबंध में नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-61/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/23/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 103.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 61 /2017) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd. and The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/23/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/61/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,

Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus

M/s Prism Cement Limited,

Village-Mankahari,

Tehsil - Rampur-Baghelan,

District-Satna (MP)-485111.

**M/s Ravi Security Organisation Pvt. Ltd.,
126, Mayur Market, Thatipur,
Gwalior (MP)-474011.**

Management

AWARD

(Passed on this 7Th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/23/2016-IR(M) dt.09/05/2017. The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd w.e.f. 1-4-2016 Whether the termination of service of Mr. Shivanand Dwivedi w.e.f. 15/5/2016 is legal proper and justified? Whether Mr. Shivanand Dwivedi is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on par with other 141 Security (Guards) with all back wages and other benefits or not?

2) W.e.f. 1/4/2016, Mr. Shivanand Dwivedi is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Shivanand Dwivedi, Security Guard and M/s Prism Cement Ltd or not?

3) Wef. 1/4/2016 Mr. Shivanand Dwivedi is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wages for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?

4) Who has terminated the service of Mr. Shivanand Dwivedi, w.e.f. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,

5) Whether Mr. Shivanand Dwivedi has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.

6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

DATE: 07/12/2023

नई दिल्ली, 18 जनवरी, 2024

का.आ. 104.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्योरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-62/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/24/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 104.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 62/2017) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd. and The General Secretary, Zila Satna

Cement Steel Foundry Khadan Kaamgar Union which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/24/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/62/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,

Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus

M/s Prism Cement Limited,

Village-Mankahari,

Tehsil - Rampur-Baghelan,

District-Satna (MP)-485111.

M/s Ravi Security Organisation Pvt. Ltd.,

126, Mayur Market, Thatipur,

Gwalior (MP)-474011.

Management

AWARD

(Passed on this 7Th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/24/2016-IR(M) dt.09/05/2017 . The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd we.f. 1-4-2016 Whether the termination of service of Mr. Suryapal Singh w.e.f. 15/5/2016 is legal proper and justified? Whether Mr. Suryapal Singh is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on per with other 141 Security (Guards) with all back wages and other benefits or not?

2) W.e.f. 1/4/2016, Mr. Suryapal Singh is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Suryapal Singh, Security Guard and M/s Prism Cement Ltd or not?

3) Wef. 1/4/2016 Mr. Suryapal Singh is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wags for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?

4) Who has terminated the service of Mr. Suryapal Singh, w.ef. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,

5) Whether Mr. Suryapal Singh has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.

6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

DATE: 07/12/2023

नई दिल्ली, 18 जनवरी, 2024

का.आ. 105.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्वोरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-63/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/25/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 105.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 63/2017**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd. and The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/25/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/63/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,

Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus

M/s Prism Cement Limited,

Village-Mankahari,

Tehsil - Rampur-Baghelan,

District-Satna (MP)-485111.

**M/s Ravi Security Organisation Pvt. Ltd.,
126, Mayur Market, Thatipur,
Gwalior (MP)-474011.**

Management

AWARD

(Passed on this 7th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/25/2016-IR(M) dt.09/05/2017. The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd w.e.f. 1-4-2016 Whether the termination of service of Mr. Neeraj Sharma w.e.f. 15/5/2016 is legal proper and justified? Whether Mr. Neeraj Sharma is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on par with other 141 Security Guards) with all back wages and other benefits or not?

2) W.e.f. 1/4/2016, Mr. Neeraj Sharma is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Neeraj Sharma, Security Guard and M/s Prism Cement Ltd or not?

3) Wef. 1/4/2016 Mr. Neeraj Sharma is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wages for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?

4) Who has terminated the service of Mr. Neeraj Sharma, w.e.f. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,

5) Whether Mr. Neeraj Sharma has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.

6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 106.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्योरिटी आर्गेनाइजेशन प्राइवेट लिमिटेड के प्रबंधन के संबंध में नियोजकों और जनरल सेक्रेटरी, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-64/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/26/2016- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 106.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 64/2017) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd. and The General Secretary, Zila Satna

Cement Steel Foundry Khadan Kaamgar Union which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/26/2016-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/64/2017

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Jila Satna Cement Steel Foundry Khadan Kamgar Union,

Sant Nagar, Dhurdang, Ward No. 11,

Post-Birla Vikas, Satna (MP)-485005.

Workman

Versus

M/s Prism Cement Limited,

Village-Mankahari,

Tehsil - Rampur-Baghelan,

District-Satna (MP)-485111.

M/s Ravi Security Organisation Pvt. Ltd.,

126, Mayur Market, Thatipur,

Gwalior (MP)-474011.

Management

AWARD

(Passed on this 7Th day of December-2023.)

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/26/2016-IR(M) dt.09/05/2017 . The dispute under reference related to :-

"1) There are about 153 contract security guards under M/s SIS (1) Ltd w.e.f. 1-4-2016 Whether the termination of service of Mr. Rajesh Kumar Jha w.e.f. 15/5/2016 is legal proper and justified? Whether Mr. Rajesh Kumar Jha is entitled for reinstatement as "Security Guard" with M/s SIS (1) Ltd, (on par with other 141 Security (Guards) with all back wages and other benefits or not?

2) W.e.f. 1/4/2016, Mr. Rajesh Kumar Jha is employed by whom? Whether by M/s Prism Cement Ltd. (the principal employer) or by the contractor M/s SIS (1) Ltd. Whether there is master & servant relationship between Mr. Rajesh Kumar Jha, Security Guard and M/s Prism Cement Ltd or not?

3) Wef. 1/4/2016 Mr. Rajesh Kumar Jha is in whose rolls? Whether he is under the rolls of M/s Prism Cement Ltd, (the principal employer) or under rolls of the new contractor M/s SIS (1) Ltd? Who has paid his wages for April and May 2016, and who has remitted his provident fund contributions to the PF Commissioner?

4) Who has terminated the service of Mr. Rajesh Kumar Jha, w.e.f. 15/5/2016? Whether it is by M/s Prism Cement Ltd, or the new Contractor M/s SIS (1) Ltd,

5) Whether Mr. Rajesh Kumar Jha has completed 240 days work, and whether there is breach of Sec. 25-F of Sec.25-N of the Industrial Disputes Act while terminating his services w.e.f. 15/5/2016.

6) Whether the dispute raised by the contact labour Union against the principal employer without impleading the present contractor M/s SIS (1) Ltd is proper or defective?"

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 107.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म सीमेंट लिमिटेड; मेसर्स रवि सिक्योरिटी ऑर्गेनाइजेशन प्राइवेट लिमिटेड; मेसर्स सिक्योरिटी एंड इंटेलिजेंस सर्विसेज (इंडिया) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री राम सरोज कुशवाहा महासचिव, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-94/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/6/2018- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 107.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 94/2018**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Prism Cement Limited; M/s Ravi Security Organization Pvt. Ltd.; M/s Security and Intelligence Services (India) Limited** and **Shri Ram Saroj Kushwaha, General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-29011/6/2018-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/94/2018

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Ram Saroj Kushwaha,

General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union AITUC Office,

Sant Nagar, Ghur Dang, Ward No. 11, Post-Birla Vikas,

District - Satna (MP).

Workman

Versus

The President-HR, M/s Prism Cement Limited,

Village-Mankahri, Post – Bathia,

District-Satna (MP).

The Director, M/s Ravi Security Organization Pvt. Ltd.,

126, Mayur Market Thatipur, Gwalior (MP).

The Director, M/s Security and Intelligence Services (India) Ltd.,

Prism Cement Limited, Village - Mankahri,

Post-Bathia, District - Satna (MP).

Management

AWARD

(Passed on this 7th day of December-2023.)

As per letter dated 26/11/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no. L-29011/6/2018-IR(M) dt.26/11/2018. The dispute under reference related to :-

"क्या प्रबंधन, प्रिज्म सीमेंट लिमिटेड मतना, मध्य प्रदेश के अधीन कार्यरत ठेकेदार मेसर्स सिक्योरिटी एंड इंटेलिजेंस सर्विसेज (इंडिया) लिमिटेड द्वारा सुरक्षा गार्ड के पद पर कार्यरत श्री राम सुशील पाण्डे की सेवाएँ 31.12.2016

से समाप्त किये जाने की कार्यवाही न्यायोचित है? यदि नहीं तो, संबंधित आवेदकगण किस अनुतोष के हकदार हैं?

After registering a case on reference, notice were sent to the parties. They filed their respective statement of claim and defence.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the reference deserves to be answered accordingly hence the reference stands answered in the light of settlement which shall be treated as award.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 108.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स प्रिज्म जॉनसन सीमेंट लिमिटेड; बालाजी इंजीनियरिंग के प्रबंधन के संबद्ध नियोजकों और श्री राम सरोज कुशवाहा, महासचिव, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-02/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. जेड-16025/03/2023- आईआर(एम)-9]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 108.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 02/2022) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Prism Johnson Cement Limited; Balaji Engineering and Shri Ram Saroj Kushwaha, General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. Z-16025/03/2023-IR(M)-9]

DILIP KUMAR, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/C/02/2022

Ram Saroj Kushwaha, Atmaj Ramkumar Kushwaha,

General Secretary, District Satna Cement Steel Foundry Mine Workers Union (AITUC), Office-Sant Nagar, Purdang, Satna (M.P.).

APPLICANT

VERSUS

1. Prism Johnson Cement Limited,

by Factory Manager, Mankahari, Post Bhathia (Ramvan),

District Satna (M.P.)

2. Proprietor/Partner Mrs. Suman Singh by Mr. Contractor

3. Balaji Engineering Contractor Pramod Singh

Applicant No. 1 and 2 Hall Mukaam-Prism Johnson Cement Pvt. Ltd., Mankahari, Post Bhathia, District Satna (M.P.)

Permanent address of both - C.P.I.M. Bhawan, Bus Stand, Sultanpur (Uttar Pradesh)-228001

NON-APPLICANT

ORDER

Passed on this 07th day of December 2023

The Present petition has been filed by workman union under section 33 of Industrial dispute Act management has filed its written objection. Both the parties have filed affidavits.

During the proceeding parties filed memorandum of settlement which was duly verified by the tribunal in presence of parties and their learned counsel. Since the dispute has been settled out of court in the light of settlement memo filed, the petition deserves to be disposed in the light of settlement memo and is disposed accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 109.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल कॉर्पोरेशन के प्रबंधन के संबंधित नियोजकों और उनका यूनियन/कर्मकार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.-19/2010) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-30011/34/2009- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 109.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 19/2010**) of the **Central Government Industrial Tribunal cum Labour Court, Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Indian Oil Corporation and Their Union/Workman** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-30011/34/2009-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA****Present : Justice K. D. Bhutia, Presiding Officer.****REF. NO. 19 OF 2010****Parties : Employers in relation to the management of****Indian Oil Corporation****AND****Their Union/ Workman**

Appearance :

On behalf of the Management : Mr. Ranjit Talukdar, Advocate.

On behalf of the Workman/Union: Mr. Suvadip Bhattacharjee,
Advocate.**Dated: 19th December, 2023****AWARD**

By order No. L-30011/34/2009/IR(M) dated 29-12-2009 the Govt. of India, Ministry of Labour in exercise of power conferred under section 10(1) (d) and (2A) of the Industrial Dispute Act, 1947 has referred the following dispute to this Tribunal for adjudication

“Whether the action of the management of IOCL (formerly IBP Co. Ltd.), Budge Budge Plant, Kolkata in not absorbing Shri Mohan Roy, Iquebal Ahemed Khan Austo Karmakar, Netai Chandra Das, Paresh Sarkar, Bhola Jana, Motilal Shaw and Chitta Ranjan Roychowdhury, Casual workmen is justified? What relief the concerned workmen are entitled to?”

The facts of the case in a nut shell are that Indo Burmh Petroleum Co. Ltd., hereinafter referred as IBPCL was amalgamated with Indian Oil Corpn. Ltd., hereinafter referred as IOCL in the year 2007. On the merger of IBPCL with IOCL all its assets and liabilities including its employees both regular and casual were transferred to IOCL. Consequently, the concerned eight workmen of the present reference too were transferred to IOCL w.e.f.2007. However, during the pendency of the present reference two workmen namely Motilal Shaw and Paresh Sarkar have expired and Austo Karmakar having attained the age of 60, on 6th February, 2021 is no longer attached with IOCL.

It is the claim and case of those concerned eight workmen that they were engaged as security guards on casual basis on the basis of selection procedure followed by the management of IBPCL in the years 1990, 1992 and 1993 i.e. much before the amalgamation with IOCL in the year 2007. They have rendered and have been rendering services of permanent nature to IBPCL/IOCL for decades together at a paltry salary of Rs.6,500/- p.m. without any privilege and benefits enjoyed by the other regular employees of the company discharging similar nature of jobs rendered by them.

They have also alleged an industrial dispute was raised by 24 casual workmen including them for their absorption against the permanent post in Reference case no.15 of 2002. The said case was culminated in “no dispute award” on 04-09-2002 as union had failed to pursue the dispute. Later it was found immediate after passing of such no dispute award, the management of IOCL by adopting an unfair labour practice had absorbed 16 out of 24 workmen of the said reference in permanent posts w.e.f. 01-03-2003/2004, but excluding the present 8 workmen.

The Union requested the management verbally or in writing to absorb the present eight workmen but management refused to pay any heed. Finding no other alternative the union raised a dispute before the Labour Commissioner. But conciliation failed and as such their dispute has been referred to this Tribunal by the Ministry of Labour for adjudication. Thus, those eight workmen have prayed for their absorption against the permanent regular posts in IOCL.

The management of IOCL by filing written statement contested the reference case and admitted that the eight workmen were/are in the employment of IOCL but they being casual workmen being engaged on no work no pay basis against casual vacancy and not being recruited through regular selection procedure by IBPCL are not entitled to claim regularization and absorption. That without following the recruitment procedures IOCL cannot absorb or regularize the service of those eight casual workmen.

Further, it has alleged those concerned eight workmen appeared in selection process on several occasion but they could not succeed. That IBPCL, Budge Budge was compelled to absorb the other 16 workmen as they had resorted to unruly activities which led to law and order problems and cessation of work at Budge Budge plant. Those absorbed 16 casual workmen were not employed as security guards like present workmen. It has also alleged that after amalgamation of IOCL and IBPCL some of the extra works which were carried out by IBPCL at Budge Budge Plant are no longer being carried out as a result there is a surplus men power at Budge Budge Plant and for which excess workmen have been re-deployed to various other establishments of IOCL. There is a surplus men power at Budge Budge Plant and there is no scope of giving permanent employment to the concerned workmen. That the security services of the establishments of IOCL or IBPCL are being managed by DGR personnel in view of the Govt.

of India, Department of Public Enterprises office memo no. 6/22/93-GL-15-DPF (SC/ST) dated `01-02-1994. Therefore, there is no permanent vacant post of security guards in IOCL. Thus, it has alleged that the regularization as prayed by the concerned workmen is not sustainable in law and therefore, prayed for dismissal of the reference case.

The union in order to substantiate its claim and case has examined following workmen as witnesses:-

- (1) Sri Chitta Ranjan Roy Chowdhury as W.W. No.1,
- (2) Sri M.Q. Qamar as W.W. No.2 and
- (3) Sri Paresh Sarkar as W.W.No. 3.

That 31 documents produced from the side of the union have been marked as Exhibit-W-1 to Exhibit W-17 on formal proof being dispensed with as per order dated 28-11-2022. Subsequently daily attendance register and daily report of those eight workmen have been marked as Exhibit-W-18 collectively and W-19 collectively through W.W. No.3 Sri Paresh Sarkar on 25-08-2014.

The management has examined Sri Swapan Bhattacharya, a retired Plant Manager as M.W. No.1 but has failed to produce for further cross examination by the union. Therefore, the part evidence of Sri Swapan Bhattacharya is not taken into consideration for adjudication of the dispute under reference.

However, the management of IOCL has examined Sri Nityananda Nath, another retired Chief Plant Manager as M.W. No.2

As per order dated 23-11-2011, three documents produced from the side of the management were marked as Exhibit- M-1 to M-3 on formal proof being dispensed with.

Thus, from the above pleadings of the parties and the evidence of the witnesses it is undisputed fact that eight concerned workmen were/are working at IBPCL/ IOCL, Budge Budge Plant, Kolkata as casual workmen.

That apart Exhibit-W-1 shows that Mohan Roy has been working for IBPCL as a General Workman since 1989. Exhibit-W-2 temporary staff pay roll for the month of July, 2010 shows that Sri Mohan Roy was paid salary/wages by IOCL, Budge Budge. He was paid Basic Pay, HRA and Overtime. From his salary contribution towards EPF, ESI and P.Tax were deducted.

Exhibit-W-3 dated 19-08-1991 issued by IBPCL shows that the workman Iquebal Ahemed Khan was called for interview for the post of service staff. His temporary pay roll for the month of September, 2009 also shows that he was paid Basic pay, HRA, Overtime and Bonus. That contribution towards EPF, ESI and P.Tax were deducted from his salary.

Exhibit-W-3/1 shows that Sri Austo Karmakar too was called for interview for the post of Jr. Operator (Field) by IBPCL on 28th October, 1993. His temporary pay roll for the month of July, 2010 also shows that he was paid Basic Pay, HRA, Overtime and Bonus. That contribution towards EPF, ESI and P.Tax were deducted from his salary.

Similarly Exhibit-W-3/2 shows that Sri Netai Chandra Das too was called for interview for the post of Service Staff/ General Workman by IBPCL in the year 1996 and he has been working for IBPCL since 1992.

Exhibit- W-3/3 shows that Sri Paresh Sarkar too was called for an interview by IBPCL on 26th June, 1992. His temporary pay roll for the month of July, 2010 also shows that he was paid Basic pay, HRA, Overtime and Bonus. That contribution towards EPF, ESI and P.Tax were deducted from his salary.

Exhibit –W-3/4 shows that Sri Bhola Jana too was called for an interview by IBPCL on 04-07-1992. His temporary pay roll for the month of July, 2010 also shows that he was paid Basic pay, HRA, Overtime and Bonus. That contribution towards EPF, ESI and P.Tax were deducted from his salary.

Exhibit-W-3/5 shows that Sri Chitta Ranjan Roy Chowdhury was called for an interview for the post of Service Staff/General Workman by IBPCL on 19th December, 1996. His temporary pay roll for the month of June, 2009 also shows that he was paid Basic Pay, HRA, Overtime and Bonus. That contribution towards EPF, ESI and P.Tax were deducted from his salary.

Exhibit-W-4/1 shows that Indian Oil Corpn. issued Identity Cards to Sri Austo Karmakar and Sri Chitta Ranjan Roychowdhury.

Exhibit-W-5 shows that workman Sri Mohan Roy, Iquebal Ahemed Khan, Austo Karmakar, Netai Chandra Das, Paresh Sarkar, Bhola Jana, Motilal Shaw and Chitta Ranjan Roychowdhury were working as security guards at BGB since 1989, 1990, 1992 and 1993.

Thus, from the above documents it appears the above named workmen who are the concerned workmen of the present reference case were engaged by IBPCL after taking interview against casual general posts and not as Security Guards. That they have been working since 1989, 1990, 1992 and 1993 for IBPCL. Further, from their wage

slips it is seen they were made to work over time for which they were paid over time allowances as per provisions of Factories Act, 1948 and the Minimum Wages Act, 1948. That they were paid bonus for working for more than 30 days in a year under the Payment of Bonus Act, 1965. It also appears that they are paid House Rent Allowance which is normally given to permanent employees as HRA as a part of the service benefits. Further, it is admitted fact that concerned workmen have been working for IBPCL and later for IOCL since their appointment as casual in the year 1989, 1990, 1992 and 1993.

Generally casual employment refers to a type of employment in which an employee is hired temporarily, usually for a short period of time, to meet the needs of the employer or for specific task or project. Casual Labour refers to labour whose employment is intermittent, sporadic or extend over short period or continued from one work to another. Casual employees do not have the same benefits as regular and permanent employees. But in the present case it appears the concerned workmen have been working for more than two decades for the management of IOCL/IBPCL in casual posts with basic wages, HRA, bonus and overtime allowance except DA and other allowances paid to the regular employees. Further, it is seen that P.Tax is deducted regularly from their wages. In view of provisions of West Bengal State Tax on Profession, Trades, Callings and Employments Act, 1979 any person who earns wages on casual basis are not subjected to Professional Tax. Further, the casual employees are not entitled to get basic pay, rather they are entitled to basic wage per day. But the documents which have come on record prove the concerned workmen have been discharging permanent nature of duty for the management of IBPCL and later for IOCL for decades together and they have been paid basic pay with HRA, bonus and overtime. From their monthly gross wages deduction was made towards EPF, ESI and P. Tax which is not normally done in case of casual workers employed to do intermittent job or sporadic nature of job. The interview letters further show they were not recruited as casual security guards but were recruited to do general nature of duty, but Exhibit-W-5, note sheet prepared by the management for submission before Industrial Tribunal in Reference Case No. 15 of 2002, show the concerned workmen have been shown as temporary Security Guards at BGB since 1989, 1990, 1992 and 1993 and the remaining 16 workmen as Staff Canteen and temporary workmen whose service had been regularized by the management of IBPCL in the year 2003-2004. So, I find the designation of the present eight workmen mentioned in Exhibit-W-5, prepared for the purpose of reference case no. 15 of 2002, to be contradictory to the contents of Exhibit-W-1, W-3, W-3/1, W-3/2, W-3/3, W-3/4 and W-3/5, all interview letters issued by management of IBPCL to the concerned workmen in the year 1989, 1991, 1992, 1993 and 1996. Inconsistency in exhibit W/5 stand corroborated by Exhibit-W-18 (collectively) and which prove that alleged temporary security guards Eqbal Ahmed Khan, Austo Karmakar, Paresh Sarkar, Netai Das, C.R. Roychowdhury, Bhola Jana and Mohan Roy used to work in the Production Department at Budge Budge Plant in the year 2012-13 and not as Security Guards. Exhibit-W-18 (collectively) and Exhibit-W-3 series discredit the contention of the management and the content of Exhibit-W-5 that eight concerned workmen were engaged as temporary security guards.

That apart Exhibit-W-6 and Exhibit- W-6/1 show that Sri Debasish Ghosh and Sri Rabindra Sadhukhan were permanent Sr. Security Guards at Budge Budge Plant in the year 2010. Those guards were paid basic pay, stagnant increment, Variable DA, C.C.A., Special Allowance, HRA and other several allowances which are not given by IBPCL or IOCL to the present eight temporary/casual workmen their alleged temporary security guards. These two documents further prove at Budge Budge Plant there were/are post of permanent security guards and same was not manned by security guards provided by DGR sponsored agency as alleged by the management. More so, the management has failed to produce documents to prove that at present all security personnel at Budge Budge Plant are provided by DGR sponsored agency.

Exhibit-W-7 series and W-8 series show other 16 workmen who were also parties to the Reference Case no.15 of 2002 were absorbed by IBPCL against regular post in the year 2003-2004 leaving behind the present eight concerned workmen.

The management has taken a plea that service of eight concerned temporary workmen could not be regularized as they could not succeed in the interview or the examination held by the management of IBPCL. Unfortunately, the management has failed to produce a single piece of document to show that after the passing of the No Dispute Award in Reference Case no. 15 of 2002 it had published an advertisement for filling the permanent post of Junior Attendant and in the examination or interview held for filling the post of Junior Attendant the other 16 temporary workmen successfully cleared the examination or interview and the present eight workmen were unsuccessful. Therefore, this Tribunal is unable to accept the submission made by the management that the concerned eight workmen are the unsuccessful candidates. That apart, the management in written statement has stated that it was bound or forced to absorb other 16 temporary workmen out of 24 temporary workmen who were parties to Reference Case no.15 of 2002 as **they** were disturbing in peaceful running of the plant at Budge Budge and causing financial loss to the management. So it appears that those who did not resort to unruly practice were deprived the benefit of regularization, when they too stand on the same footing with those goons. Prima facie it is seen the management was bias in absorbing 16 workmen and excluding the present concerned eight workmen standing on the same footing or similarly placed with those 16 casual/ temporary workmen by denying regularisation to them.

Exhibit-W-12 series shows that the IOCL submitted before the ALC that the union which has espoused the dispute is not a registered trade union. The eight workmen being casual workmen of IBPCL and as such IOCL has no

responsibility and obligation to absorb those casual employees of IBPCL. But agreement of amalgamation lying in the record shows that IBPCL was merged with IOCL and on such amalgamation all the rights and liabilities of IBPCL was transferred along with its employees to IOCL. Therefore, this Tribunal is of view that IOCL cannot take a plea that it has no responsibility towards the casual or regular employees of IBPCL which was merged with it in the year 2007.

Exhibit-W-17 the IBPCL standing order which came into operation in accordance with Section 7 of the Industrial Employment (Standing Orders) Act, 1946 and which remain in force in accordance of Section 10 of the same Act, describe “workman” means any person employed in any industrial establishment to do any skilled or unskilled, manual or clerical, labour for hire or reward, but does not include any member of the armed forces of the Crown.

Clause-4 of the Standing Order classified “workmen” into two categories namely permanent and temporary. It reads as “workmen engaged to fill vacancies on the Permanent roll are required to work for 6 months on probation and if found satisfactory and passed medically fit by the Company’s doctor, confirmed as Permanent workmen. Permanent workmen are workmen who have been confirmed in the manner described above; such workmen will have their wages calculated on a daily basis”.

“Temporary workmen are engaged on the understanding that their employment is intermittent and will not normally exceed an unbroken period of 3 months. Should the employment of a Temporary workman inadvertently exceed an unbroken period of 3 months, he will be treated as employed on probation to fill a vacancy on the Permanent roll and his service for this purpose shall date from the first day of the unbroken period then being served”.

In the instant case prima facie it is seen that those eight workmen have been working for IOCL since 1989, 1990, 1992 and 1993 and till date except those two who have expired and one who has been discharged on attaining the age of superannuation. Therefore, in view of clause 4 of the standing order of IBPCL, a temporary employee who is engaged without any break for a period of three months will be treated as employee on probation to fill a vacancy on the permanent roll and his service for this purpose shall date from the first day of the unbroken period than being served. So, in view of clause 4 of the standing order those eight workmen are entitled to be absorbed against the permanent posts in IOCL/ IBPCL. Exhibit-W-19 (collectively) also show the workmen attended their duty regularly in the month of November and December, 2013.

M.W. No.2 during his cross examination admitted that IOCL had absorbed casual workmen as permanent employees. He has further admitted that when he was transferred to Regional Office, Kolkata from Budge Budge Plant, those concerned eight workmen were working as casual workmen in IOCL. He could not say whether those 16 casual workmen out of 24 who were parties to Reference Case No. 15 of 2002 and who were absorbed by the management of IOCL were candidates sponsored by Employment Exchange or not. He admitted that he would not be able to prove that casual workmen are engaged whenever regular employee remain absent. Further, he has admitted that he would not be able to give names of those regular staff on whose absence those eight casual workmen were engaged to do their works. He has further stated that he has no knowledge whether the management has filed any document to prove due to surplus men power at Budge Budge Plant, IOCL is not in a position to absorb the concerned casual workmen against any post. He has further admitted that those eight workmen used to work as security guards as replacement against regular security guards but at the same time he has stated that there is no permanent post of security guard in IOCL. But his such statement stands discredited by exhibit W/6 and exhibit W6/1 and which prove that there exist sanctioned post of security guards at Budge Budge Plant. He has further stated that he has no knowledge whether IOCL by making those eight workmen worked as a casual for long period of time indulged in unfair labour practice. He has also stated that no casual workers are allowed to work after crossing 60 years of age.

That M.W. no.1 in his evidence in chief on affidavit has stated those eight workmen had applied for regular employment under IBPL but they being disqualified in the interview they were not selected. Unfortunately, he has failed to produce the result of the interview to show that those eight workmen have failed to clear the interview.

In view of the above, this Tribunal holds the concerned workmen who have put more than 20 years of service in the establishment of the management of IOCL/IBPCL by discharging the permanent nature of duty discharged by a permanent workman and who have been paid regular wages in the form of basic pay, HRA, bonus, overtime and from whose salary regularly EPF, ESI and P.Tax deducted are entitled to absorption against the permanent posts of Junior attendant like those 16 similarly placed liked them and who were absorbed against permanent post in the year 2003-2004.

Therefore, the management of IOCL is hereby directed to absorb remaining five workmen namely Sri Iqbal Ahmed Khan, Sri Netai Chandra Das, Sri Mohan Roy, Sri Bhola Jana and Sri C. R. Roychowdhury, who are still working for it to the post of Junior Attendant like the other 16 temporary workmen who were parties to the Reference Case No.15 of 2002 along with the above five temporary workmen with retrospective effect from the 1st March, 2004 with all financial benefits to which a regular employee is entitled to since March 2004.

IOCL is further directed to extend the same benefit to the deceased workmen Lt. Motilal Shaw and Lt. Paresh Sarkar and to extend all financial benefits till the date of their death and pensionary benefits, if any, to their immediate legal heirs who are legally entitled to the same.

The service of Sri Austo Karmakar will be deemed to be in permanent post since March, 2004 and is entitled to get all the financial benefits till the date of his superannuation and further entitled to get pensionary benefit, if any.

Accordingly, the Reference Case No.19 of 2010 is disposed of and an award is passed holding the action of the management of IOCL (formerly IBPCL) for not absorbing the eight workmen namely Mohan Roy, Eqbal Ahmed Khan, Austo Karmakar, Netai Chandra Das, Paresh Sarkar, Bhola Jana, Motilal Shaw and Chittaranjan Roychowdhury temporary workmen along with other 16 casual workmen who were parties to Reference Case No.15 of 2002 in the year 2003-04 to be unjustified.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 110.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टाटा स्टील लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.-10/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-1]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 110.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 10/2023**) of the **Central Government Industrial Tribunal cum Labour Court, Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **TATA Steel Limited** and **Their Union** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. Z-16025/04/2024-IR(M) -1]

DILIP KUMAR Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO.10 OF 2023

Parties : Employers in relation to the management of

TATA Steel Limited

AND

Their Union

Appearance :

On behalf of the Management : Mr. Ranjay De, Advocate.

On behalf of the Union : Mr. Sayak Chakraborty, Advocate.

Dated: 20th December, 2023

AWARD

Record is put up for passing necessary order regarding maintainability of the present reference.

By order No. Kol-700020/01/2023-Dy.CLC(C) dated 07-06-2023 the Central Govt, Ministry of Labour & Employment in exercise of power conferred under section 10(1) (d) and (2A) of the Industrial Dispute Act, 1947 has referred the following dispute to this Tribunal for adjudication:-

1. “Whether the action of the Management of TATA Steel Limited (Hooghly Met Coke Division), Haldia and their various Contractors (As per Contractors list enclosed) are justified in denying the Charter of Demands submitted by the Union as per Annexure-1 is legal and/or justified? If not, what relief the contractual workmen are entitled to?”
2. “Whether the Bipartite Settlement that has already been signed between the Management and another Registered Union [Hooghly Met Coke & Power Co. Ltd. Nationalist Contractors Workers Union] without enforcing the other registered Union [TATA Steel Ltd. (Hooghly Met Coke Divn.) Haldia Contractors Mazdoor Sangh] in the same establishment is justifiable or any legal sanctity?”

However, the management of TATA Steel Ltd. by filing a petition on 31-07-2023, has alleged that the Deputy Labour Commissioner has no power to refer the dispute in question as Dy. Labour Commission, Kolkata has only authority to refer an individual dispute covered u/s 2A of the I.D. Act, in view of Ministry of Labour & Employment’s notification dated 10th June, 2019.

Further, it has alleged that there exists an industrial dispute between the contractors and its employees and not in between the Principal Employer TATA Steel Ltd. and the employees of its contractors. So, there exists no relationship of employer and employee between it and the employees of its contractors.

It has also alleged the union which has espoused the present dispute has no locus standi to raise the dispute on behalf of the contractors’ employees as it is not a recognized or a registered under Trade Union Act, 1926. The registration of the concerned union stands cancelled vide memo no. 329/TUR dt. 28-10-22. The union had challenged the cancellation of its registration before the Hon’ble High Court at Calcutta, in W.P.A. No.8599 of 2023 but such writ petition was dismissed on 27-06-2023.

It is also alleged Tribunal is a creature of statute and it cannot exercise its jurisdiction beyond the scope and ambit of Act, 1947 and rules framed there under. The question raised by the management of TATA Steel Ltd. pertains to the jurisdiction issue which is a pure question of law based on admitted facts. Thus, it has prayed for dismissal of the present reference case being not maintainable and for deleting the name of TATA Steel Ltd., Hooghly.

Such application of the management has been contested by the union by filing written objection, where it has alleged that the management of TATA Steel Ltd. has failed to justify how the Deputy Chief Labour Commissioner, Kolkata is not a competent person u/s 10 of the I.D. Act. 1947 to refer industrial dispute for adjudication before an Industrial Tribunal. It has further contended that in view of provision of section 21 sub section (4) of Contract Labour (Regulation, Abolition) Act 1970, in case the contractor fails to make payment of wages within the prescribed period or make short payment then the principal employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be to the contract labourers employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

It has further alleged that the union has filed writ petition being W.P.A. No.8599 of 2023 before the Hon’ble High Court at Calcutta challenging a notice passed under Form E of the Trade Union Act, 1926 but prior to that a notice under Form F was already served upon the union cancelling its registration. Thus, the said writ petition was dismissed granting liberty to the trade union to take necessary steps in terms of the notice/order under Form F.

The union has filed another writ petition being No. W.P.A.18434 of 2023 challenging the notice under Form F and the Hon’ble High Court has been pleased to quash the notice in Form F dated 28th October, 2022 by an order dated 10th August, 2023. Thus, it has prayed for rejection of the application of the management.

Ld. Counsel for the management in support of his contention has referred to the following decisions:-

1. The Workmen & Ors. –vs- M/s. Hindustan Lever Ltd. (1984) 1 SCC 728.
2. Ramchandra Keshav Adke (Dead) by Legal Representatives & Ors. –vs- Govind Joti Chavare & Ors. (1975) 1 SCC 559.
3. M/s. Rubber House –vs- M/s. Excelsior Needle Industries Pvt. Ltd. (1989) 2 SSC 413.
4. B. Premanand & Ors. –vs- Mohan Koikal & Ors. (2011) 4 SCC 266 and
5. Hindustan Lever Ltd. –vs- Fourth Industrial Tribunal & Ors. (2007) (1) L.L.N. 881.

By referring to Ramchandra Keshav Adke (Dead) by Legal Representatives & Ors (Supra), Ld. Counsel for the management submits that in view of power under section 39 of the I.D. Act and in view of Gazette Notification D.L.C., Kolkata has been vested power to refer only those dispute of a workman who has been discharged, dismissed and terminated from the service and has not been vested power to refer a collective dispute to an industrial tribunal

and submits where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all and that other methods of performance are necessarily forbidden.

Further, by referring M/s. Rubber House (Supra) Ltd. Counsel for management submitted, if the statute is mandatory the things done not in the manner or form prescribed have no effect or validity, but if it is directory, the non-compliance may not lead to any serious and adverse consequences.

By citing B.Premananda & Ors. (Supra) Ltd. Counsel for management submitted that once there is a departure from the literal rule, then any number of interpretations can be put to a statutory provision, each Judge having a free play to put his own interpretation as he likes. Then it would be destructive of judicial discipline, and also the basic principle in a democracy that it is not for the Judge to legislate as that is the task of the elected representatives of the people. Even if the literal interpretation results in hardship or inconvenience, it has to be followed. Departure from the literal rule should only be done in very rare cases, and ordinarily there should be judicial restraint in this connection.

By referring to M/s. Hindustan Lever Ltd. (Supra) Ltd. Counsel for the management of TATA Steels Ltd. submitted that the Tribunal derives its jurisdiction by the order of reference and not on the determination of a jurisdictional fact which it must of necessity decide to acquire jurisdiction.

First let me find out whether the Dy. Labour Commissioner has authority to refer the dispute in question?

Prima facie from the order of reference as mentioned above, it is seen that the General Secretary, TATA Steel Ltd. (Hooghly Met Coke Division), Haldia Contractors' Mazdoor Sangh has espoused the present dispute for denying their chartered of demands by the management of TATA Steel Ltd. and is authorized contractors and also regarding the validity of the bipartite settlement already signed between the management of TATA Steel Ltd. with another Registered Union named Hooghly Met Coke & Power Co. Ltd. Nationalist Contractors Workers Union. So, it appears the dispute under reference is not an individual dispute but a collective dispute. It is undisputed fact the appropriate Government in the present case is the Central Government.

Section 39 of the I.D. Act deals with delegation of powers and which reads as follows :-

“Delegation of powers. – The appropriate Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or rules made there under shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also, -

- (a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification; and
- (b) where the appropriate Government is a State Government, by such officer or authority subordinate to the State Government as may be specified in the notification.”

On plain reading of section 39 of the I.D. Act the Central Government has authority to delegate its power exercisable by it under the I.D. Act or rules made there under, to authority subordinate to it, but by notification in the official gazette. Ld. Counsel for the management has produced a Gazette Notification dated 10-06-2019 vide which the Central Government has delegate its power to make reference to those authority concerned mentioned in the notification. Such notification of Ministry of Labour & Employment's notification dated 10th June, 2019 read as follows:- “S.O. 1936(E) – In exercise of the powers conferred by section 39 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby directs that where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman and any industrial dispute between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination is referred by the workman by making application under sub-section (2) of section 2A of the said Act to the jurisdictional Conciliation Officer holding the rank of Labour Enforcement Officer or Assistant Labour Commissioner (Central) or Regional Labour Commissioner (Central) or Deputy Chief Labour Commissioner (Central) or Additional Chief Labour Commissioner (Central) or Chief Labour Commissioner (Central) and where such conciliation fails, then, such Conciliation Officer shall, instead of making the Failure of Conciliation Report to the Central Government, exercise the powers of the Central Government himself under section 10 read with section 2A, of the said Act and make such report directly to the Labour Court or Tribunal for adjudication subject to the following conditions, namely :-

- (i) where such Conciliation Officer is of the rank of Labour Enforcement Officer or Assistant Labour Commissioner (Central) or Regional Labour Commissioner (Central), he shall at the first instance make such Failure of Conciliation Report to his Regional head holding the rank not below the Deputy Chief Labour Commissioner (Central), who shall examine the said Report and if he is of the opinion that the said industrial dispute under such Failure of Conciliation Report is not fit for adjudication, then, he shall send such Report to the Central Government for necessary action, otherwise refer the said industrial dispute under the Failure of Conciliation Report to the Labour Court or Tribunal for adjudication; and
- (ii) where such Conciliation Officer is of the rank of Deputy Chief Labour Commissioner (Central) or Additional Chief Labour Commissioner (Central), he shall at the first instance make such Failure or Conciliation Report to the Chief Labour Commissioner (Central), who shall examine the said Report and if he is of the opinion that the said industrial dispute under such Failure of Conciliation Report is not fit for adjudication, then, he shall send such Report

to the Central Government for necessary action, otherwise refer the said industrial dispute under the Failure of Conciliation Report to the Labour Court or Tribunal for adjudication; and

(iii) where such Conciliation Officer is of the rank of Chief Labour Commissioner (Central) and if he is of the opinion that the said industrial dispute under such Failure of Conciliation Report is not fit for adjudication, then, he shall send such Report to the Central Government for necessary action, otherwise refer the said industrial dispute under the Failure of Conciliation Report to the Labour Court or Tribunal for adjudication.

3. Nothing in this notification shall affect the powers of the Central Government to exercise the powers under section 10 read with section 2A of the said Act consecutively irrespective of such delegation.

From the above notification dated 10th June, 2019 it appears the Deputy Labour Commissioner(Central), Kolkata has power to refer only the dispute, where any employer discharges, dismisses, retrenches or otherwise terminates service of an individual workman and any industrial dispute between that workman and his employer connected with or arising out of such discharge, dismissal, retrenchment or termination is referred by the workman by making application under sub section (2) of section 2A of the said Act to him or her to the labour court or Tribunal for adjudication.

But, the schedule of the present reference already mentioned above shows the dispute in question is not related to discharge, dismissal and retrenchment of an individual workman rather it relates to non-acceptance of charter of demands made by contractors' employees by their both principal and contractor employers and regarding the legality of the bipartite settlement already executed between the employers and another registered recognized trade union representing contractors' employees.

Annexure-C a letter dated 09-02-2023 addressed to the DLC (Central), Kolkata by the management of M/s. TATA Steels Ltd. shows that a settlement was already executed between seven contractors who represented all the contractors working for the TATA Steel Ltd., Hooghly Met Coke Division in respect of charter of demands raised by the contractors' employees on 16-05-2022 i.e. much before the reference was made by the Deputy Labour Commissioner (Central), Kolkata on 07-06-2023.

Further, from the order that has been passed by the Hon'ble High Court in W.P.A. No.18434 of 2023 on 10-08-2023, it appears TATA Steel Ltd. (Hooghly Met Coke Divn.) Haldia Contractors Mazdoor Sangh registered as a trade union on 13th June, 2021. That it was served with a notice in Form E in the month of June, 2022 for non submission of annual return for more than three years and for non-compliance of section 9A of the Trade Union Act, 1926. That by issuing notice in Form F on 28-10-2022 by the Registrar of the Trade Union, the registration of the concerned Trade Union was withdrawn. However, Hon'ble High Court, Calcutta held notice in Form F dated 28-10-2022 is not sustainable as no reason for cancellation has been provided by the Registrar and decision was taken without giving any opportunity of being heard to the present concerned trade union and thereby directed the Registrar of Trade Union to take fresh decision after taking into consideration the representation if any, made by the concerned trade union and after hearing the trade union concerned and to pass order in accordance with section 10 of the Trade Union Act.

Therefore, from the above discussed facts and the documents produced by the management it emerges:- (1) in view of Ministry of Labour & Employment Gazette Notification dated 10th June, 2019, made u/s 39 of the Industrial Dispute Act, 1947 Deputy Chief Labour Commissioner, Kolkata has not been vested with power to refer a collective dispute to an industrial tribunal save and except an individual dispute of a workman who too has been dismissed, discharged or retrenched or terminated from the service.

(2) A bipartite settlement in respect of disputed charter of demands raised by contractors' employees has already been signed between the management of TATA Steel Ltd. (Hooghly Met Coke Division)/contractors employers and another Registered Union [Hooghly Met Coke & Power Co. Ltd. Nationalist Contractors Workers Union] on 16-05-2022 i.e. a year before the reference was made by Deputy Chief Labour Commissioner (Central), Kolkata to this Tribunal on 07-06-2023. It is settled law that minority union is bound by the settlement that is arrived in between the management and the union representing the majority of workmen or the union which is registered and recognized by the management.

(3) The registration of the trade union which has espoused the present dispute stands cancelled as of now and which is under consideration for renewal before the Registrar of Trade Union, in view of the order of the Hon'ble High Court passed in W.P.A. N. 18434 of 2023 on 10-08-2023.

Therefore, in view of the above facts this Tribunal holds the present Reference Case No. 10 of 2023 is not maintainable. Accordingly an award of dismissal is passed.

Justice K.D.BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 111.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल ब्लेंडिंग लिमिटेड/ इंडियन ऑयल कॉर्पोरेशन लिमिटेड के प्रबंधन के संबद्ध नियोजकों और इंडियन ऑयल ब्लेंडिंग लिमिटेड यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.-18/2007) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-30011/24/2007-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 111.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 18/2007**) of the **Central Government Industrial Tribunal cum Labour Court, Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Indian Oil Blending Limited/Indian Oil Corporation Limited** and **Indian Oil Blending Limited Employees Union** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-30011/24/2007-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO.18 OF 2007

Parties : Employers in relation to the management of

Indian Oil Blending Ltd./ Indian Oil Corpn. Ltd. (Marketing Division), Lube Blending Plant, Kolkata.

AND

Indian Oil Blending Ltd. Employees Union.

Appearance :

On behalf of the Management Indian Oil Corpn. Ltd. (Marketing Division), Lube Blending Plant, Kolkata:
Mr. Ranajit Talukdar, Advocate.

On behalf of the Union : Absent

Dated: 26th October, 2023

AWARD

By Order No L-30011/24/2007 /IR(M) dated 09-07-2007, the Central Government, Ministry of Labour in exercise of power conferred under section 10(1)(d) and (2A) of the Industrial Dispute Act, 1947 has referred the issue to this Tribunal for adjudication –

“Whether the action of the management of Indian Oil Blending Ltd. by deducting the salary from a group of workmen to a particular union, is justified? If not, what relief the workmen are entitled to?”

At the very beginning it is necessary to mention that union which has espoused the dispute has not been pursuing with the matter. Further order dated 18-12-2019 shows that the Ld. Counsel for the union has submitted before the Tribunal that union which has espoused the present dispute does not want to contest the case and therefore declined to cross examine M.W.No.1.

It appears from the record, the union which has espoused the present dispute has examined Mr. Alok Kumar Bala, Asst. Secretary of the union as W.W. No.1 and who has also been cross examined by the management. Union

has also filed 18 documents and which have been marked as exhibit W-1 to W-18 on formal proof being dispensed with vide order dated 30-01-2014.

Similarly, documents filed from the side of the management have been marked as Exhibit M-1 to M-6 on formal proof being dispensed with vide order dated 30-01-2014. The Management has examined Smt. Rekha Dasgupta as M.W. No.1 on 11-05-2023 but none was present from the side of the union to cross examine the M.W. No.1.

Thus, this Tribunal after hearing the Ld. Counsel for the management and on the basis of the materials lying in the record decided to adjudicate the issue under reference.

The union in its claim statement has alleged that Lube Blending Plant of Indian Oil Blending Ltd, located at Paharpur, is a wholly owned subsidiary of Indian Oil Corpn., Ltd. That the union being sole bargaining union of Indian Oil Blending Ltd., Calcutta plant, entered into a Memorandum of Understanding on 10-09-1991 with the management for merger of Indian Oil Blending Ltd., Calcutta Plant with Indian Oil Corpn. (Marketing Division) on the condition that the existing facilities enjoyed by the Indian Oil Blending Ltd. Workmen would be continued even after merger. The combined seniority list of IOC workmen in Eastern Region will be made according to the date on which the workmen of IOBL have gone in a particular grade either by a process of direct recruitment or by promotion.

That the management of IOCL failed to give effect to the MOU dated 10-09-1991 even after a lapse of one year. The Union wrote a letter to the General Manager, IOCL for giving effect to the MOU dated 10-09-1991. The management vide letter dated 21-05-1993 assured the union that MOU dated 10-09-1991 would be implemented.

The union alleged that such MOU cannot have legal effect until and unless a settlement is arrived in between the management and the union on the MOU.

That in the meantime, IOBL is merged with IOCL on 12th MAY, 2006, but the MOU dated 10-09-1991 was never given effect inspite of several assurances given by the management as the MOU deals with their service conditions and the seniority list on merger. Thus, the union vide its letter dated 12-05-2006 addressed to the Chairman of IOCL informed that in the event of non-fulfilment of the MOU dated 10-09-1991 then union would be compelled to go on 'Work on Rule' for redressal of its grievances.

The union also served notice for observing "work to rule" by workmen of erstwhile IOBL, Kolkata upon the Plant in charge of Lube Blending Plant of IOBL, at Kolkata against the unilateral and arbitrary decision of the management in merging with IOBL with IOCL without having any discussion/negotiations with the petitioner union.

That union was surprised to find notice dated 29 & 30th May, 2006 issued by IOCL, Marketing Division being displayed on the Notice Board of Lube Blending Plant for resorting to go slow in production on 29th and 30th May, 2006 by a section of workmen resulting in loss of 30% production and management's intention of resorting to deduction from the salary of workmen.

The union through its letter dated 05-06-2006 requested the Sr. Plant Manager, Lube Blending Plant, IOCL, to desist from any kind of deduction from the salary of the employees, but the management did not pay any heed to such letter and resorted to deduct wages in a most whimsical and arbitrary manner.

That the management further issued several notices of deduction of wages from the employees of IOBL Plant for resorting to go slow in production on different dates from 29-05-2006 to 22-06-2006. The Union has alleged the proportionate loss of production as alleged by the management is whimsical and imaginary and arbitrary in nature and has been determined without following any scientific method or procedure. It has also alleged that the management did not take any recourse to wage deduction against employees belonging to other non-recognised union and being aggrieved with the unfair labour practice being adopted by the management union raised industrial dispute before the Labour Commissioner but no conciliation took place and as such on failure of the reconciliation, the Govt. has been pleased to refer the matter to this Tribunal. Therefore, it has prayed for setting aside the notice of the management of IOCL, Lube Blending Plant whereby wages was deducted from certain employees indicated in the said notices and to direct the management of IOCL, Lube Blending Plant at Kolkata to restore full wage and make payment of the deducted wages to the employees of the aforesaid plant, whose names were figuring in the said notices and to provide any other relief to which they are entitled to.

The management in its written statement has alleged that present reference is invalid and void as on the date of reference on 09-07-2007 there was no existence of any establishment named Indian Oil Blending Ltd. as such establishment was already amalgamated with the IOCL. The order of reference consists that there exists a dispute between the employees in relation to the management of Indian Oil Blending Ltd. and their workmen and directed this Tribunal to decide the dispute whether the action taken by the management of Indian Oil Blending Ltd. by deducting the salary from a group of workmen of a particular union is justified or not.

It has also alleged that the concerned union has raised certain unjustified grievances against the management of Indian Oil Blending Ltd. against the proposed amalgamation of Indian Oil Blending Ltd. with Indian Oil Corpn. Ltd. and served a notice dated 12th May, 2006 to the Chairman of the IOCL, stating unless arrangements were made for discussion between the union and the management of IOCL within seven days then it would resort to work to rule. Then after certain employees resorted to work to rule on 29-05-2006, 30-05-2006, 14-06-2006, 15-06-2006, 16-06-2006, 20-06-2006 and 22-06-2006 and due to such go slow on production the IOCL suffered loss in production of lubricating oil. Consequently, the management of IOCL deducted wages from those employees involved in resorting to go slow on production. The deduction was made on the basis of no work no pay basis for going slow by those employees who have not worked normally. The deduction was made in proportion to the percentage of loss of production suffered in the area of work of the employees concerned.

Further, it has alleged the Lube Blending Plant of IOCL at Paharpur consist of two sections, the Blending Section and the Filling Section. The Filling Section is divided into the Old Filling Section and the New Filling Section where the product is filled into barrels and in small cans. The lubricants are blended in tanks in the Blending Section and then filled into barrels and cans in the Filling Section with the aid of machinery. The work is organised in such a manner that if some workmen go slow, it can reduce the output materially, even if other workers work normally.

The record shows that Sri Alok Kumar Bala, Asst. Secretary of the Indian Oil Blending Ltd. has deposed as WW. No.1 and who in his evidence both chief and cross invariably stated that the action taken by the management for deduction of wage is totally illegal. On the other hand the uncorroborated evidence of M.W. No.1 Smt. Rekha Dasgupta shows that work of rule/go slow adopted by some employees of the concerned union had caused financial loss to the IOCL and for which the management had rightly deducted the proportionate loss from the wages of those workmen resorted work to rule.

Therefore, let me decide whether the management is justified in deducting the wages of those employees whose names appear in the list mentioned in the written statement for adopting go slow tactics on 29-05-2006, 30-05-2006, 14-06-2006, 15-06-2006, 16-06-2006, 20-06-2006 and 22-06-2006?

It is settled law that the Industrial Tribunal cannot travel beyond the terms of reference to pass an award. As per order of reference Central Govt. has referred the dispute in between the management of IOBL and its workmen for deduction of the wages from a group of workmen by the management of IOBL on 19-07-2007.

From the claim statement, written statement and as well as from the evidence of W.W. No.1 and M.W. No.1 it has come on record that Indian Oil Blending Ltd. was amalgamated with IOCL on 12-05-2006. Further from the pleadings of the parties it appears that the dispute arose between the management of Indian Oil Ltd. and the union of erstwhile Indian Oil Blending Ltd. allegedly for not giving effect to the Memorandum of Understanding (MOU) that was executed on 10-09-1991 regarding the service conditions of the employees of Indian Oil Blending Ltd. and their promotional aspect and seniority after amalgamation with IOCL, Marketing Division. It appears that the union has raised their claim based on the MOU dated 10-09-1991 with the management of OICL in the year 2006 by issuing a letter dated 12-05-2006 (Exhibit-W/8) and where they have threatened the management that in the event of non-fulfilment of their request for discussion on the merger they would compel to go on work to rule for redressal of their grievances.

Exhibit-M-2 shows that Sr. Plant Manager of IOCL, Lube Blending Plant, Kolkata had issued warning notices dated 24-05-2006 and 29-05-2006 for deduction of wages by following the principle of 'no work no pay' to those workmen who were found to be staying away from work place, for not performing their duties, for adopting Go Slow, Work to Rule etc. from time to time during working hours in the Lube Blending Plant w.e.f. 27-05-2006. It further shows that by resorting to "Go Slow" or "Work to Rule" the production and supply of essential petroleum products has disrupted. Those workmen involved in such activities were directed to desist from indulging any such illegal act in their own interest and the management would take necessary action against such misconduct and reserved the right to deduct wages as per certified standing order as well as under section 9(2) of Payment of Wages Act, 1936.

Therefore, it appears that management of IOCL who had taken action of deduction of wages from those employees whose names appears in the written statement for indulging in the "work to rule" or "go slow" tactics and not by Indian Oil Blending Ltd. as named in the order of reference.

Prima facie the order of reference appears to be not proper and correct as there was no existence of Indian Oil Blending Ltd. when the incident of go slow or work to rule took place in IOC (Marketing Division), Lube Blending Plant, Kolkata in the year 2006. However, Indian Oil Blending Ltd. is now known as IOC (Marketing Division), Lube Blending Plant, Kolkata and who has been contesting the present dispute.

The Hon'ble Supreme Court in M/s. Sasa Musa Sugar Works Pvt. Ltd. –vs- Shobrati Khan & Ors, reported in AIR 1959, SC 923 has held 'go slow' is not a strike within the meaning of the term in the Act, but is serious misconduct which is insidious in nature and cannot be countenanced.

Exhibit-W-1 prima facie prove that persons working with IOBL, Kolkata were well aware of the merger/integration of IOBL, Calcutta with IOCL (M.D.), way back in the year 1991. It is admitted fact that the merger took place on 12th May, 2006. Exhibit-W-9 shows that Indian Oil Blending Ltd. Employees' Union has challenged the merger by issuing letter dated 12-05-2006 to the Chairman of IOCL and threatened to resort to go on work to rule if no discussion was held with them within seven days from the date of issue of such letter. Exhibit-M-2, M-3 & M-4, prima facie show that erstwhile workmen of IOBL had resorted to go slow tactics on different dates with effect from 29th May, 2006 till 22-06-2006. So, it appears the employees of erstwhile IOBL, Calcutta has resorted to go slow tactics challenging the merger with IOCL after the merger and after becoming employees of IOCL.

For the sake of argument even if we assume go slow is a strike as defined in section 2 (q) of I.D. Act, 1947 then in view of provisions of section 22 of the Act the union had to give six week notice and which the union has failed to do so. However, it is seen that it has resorted to go slow within 16 days of giving of the notice. But Exhibit-M-2 shows that before the union resorted to go slow tactics on and from 29-05-2006, the management of IOCL (M.D.), Lube Blending Plant had issued notice of deduction of wages of those workmen who would be found staying away from work place, not performing their duties indulging go slow practice and work to rule etc. on 24-05-2006 and 29-05-2006. The management has further notified that such act would amount to misconduct.

Thus, it is seen that the union despite having full knowledge of deduction of wages for resorting to go slow on production seems to have adopted go slow tactics resulting in loss in production and consequently financial loss to IOCL. Therefore, this Tribunal is of view that the management was justified in deduction of wages of those workmen engaged in go slow tactics. The M.W.1 in her unchallenged oral testimony has categorically stated the deduction from the wages of those concerned workmen were made on the basis of principle of no work no pay. The deduction was made in proportion to the percentage of loss of production suffered in the area of work of the concerned employees. She has further stated work at Lube Blending Plant of IOCL, Paharpur was organised in such a way that if some of the workers go slow it would reduce the output materially even if other workers work normally. The deduction was not made whimsically or in arbitrary manner. The deduction was not made from the wages of those employees who were not involved in the go slow tactics and not member of the union which has raised this dispute.

More so, non-pursuance of the present dispute by the union since 24-02-2020 and the submission made by the Counsel for the union before the Tribunal on 18-12-2019 that union is no more interested to contest with the matter give rise to an inference that union which has espoused the present dispute has admitted the deduction of wages of those workmen involved in the go slow tactics during the period from 29-05-2006 to 22-06-2006 by the management of IOCL (M.D.), Lube Blending Plant, Kolkata was legal and justified.

In view of the above, no dispute award is passed and Reference Case No. 18 of 2007 is disposed of.

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 112.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्सुरेंस कॉर्पोरेशन ऑफ़ इंडिया के प्रबंधन के संबंध में नियोजकों और श्री के. साई कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-12/2016) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2023-आईआर(एम)-76]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 112.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 12/2016**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Sri K. Sai Kumar** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. Z-16025/04/2023-IR(M)-76]

DILIP KUMAR, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD****Present: - Sri Irfan Qamar****Presiding Officer****Dated the 7th day of December, 2023****INDUSTRIAL DISPUTE L.C.No. 12/2016****Between:**

Sri K. Sai Kumar,

S/o K. Sayanna,

R/o 6-7-135, Hamalwadi,

Nijamabad District – 503001.

.....Petitioner

AND

1. The Zonal Manager,
Life Insurance Corporation of India,
South Central Zonal Office,
'Jeevan Sagar', Secretariat Road,
Saifabad, Gandhi Nagar,
Hyderabad – 500 080.
2. The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office,
'Jeevan Sagar', Behind NTR Stadium,
Gandhi Nagar, Hyderabad – 500 080.
3. The Branch Manager,
Life Insurance Corporation of India,
Nizamabad Branch,
Nizamabad – 503001.

....Respondents

Appearances:

For the Petitioner : M/s. Y. Ranjeeth Reddy, Advocate

For the Respondent: M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

Sri K. Sai Kumar, who worked as temporary Sub-staff (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents LIC of India seeking for declaring the proceeding dated 16.9.2014 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

It is submitted that the Petitioner was appointed as temporary Sub-Staff on 13.3.2009 and performed as a Peon in Class- IV Cadre in New Business Department LIC of India, Nizamabad Branch office on payment of Rs.90/- per day and Petitioner was worked continuously without any break, to the entire satisfaction of superior officers. There were no complaints of what so ever nature against the Petitioner in his entire service. It is submitted that the Respondent not issued any appointment letter and pay slip to the Petitioner during his service and Petitioner used to sign on the vouchers at the time of taking salary and not extended any benefits like provident fund and ESI, etc.. It is submitted

that the management has indulged in unfair labour practice and it is against the principles of natural justice and cheated the Petitioner along with other workers by paying less wages in false and dummy names and same was brought to the notice of the Central Labour Authorities. Accordingly the Labour Enforcement officer (Central) conducted inspection and submitted report vide No. 36 (5) 2012 LEO/M4, dated 06.06.2012 and advised the Respondents for payment of difference of minimum wages and accordingly the Respondent paid the difference of minimum wages to the Petitioner along with other workers. It is submitted that while so, suddenly Petitioner's services orally terminated on 16.9.2014 without conducting any enquiry, notice pay, compensation is arbitrary, illegal, unjust and contrary to the provisions of Industrial Disputes Act and against the principles of natural justice and same is nothing but unfair labour practice of the Respondents. It is submitted that the Petitioner gave a representation to the Assistant Labour Commissioner (Central) Mancherial, at Ramagundam, same was received on dated 3.11.2014 requesting to intervene the matter and to direct the Respondents to reinstate the Petitioner into service. It is submitted that the Assistant Labour Commissioner (Central), Mancherial, at Ramagundam issued notice dated 17.2.2015 to the Respondents for joint meetings/ conciliation proceedings. The Assistant Labour Commissioner (Central), Mancherial, at Ramagundam closed conciliation meetings and sent the failure report to the Government of India. It is submitted that the action of the Respondent by terminating the Petitioner from service w.e.f. 16.9.2014 is illegal and unjustified. The termination is violation of the Sec 25 F, G and H of the Industrial Disputes Act. The Respondent has not given any notice and also not given any retrenchment compensation and Petitioner's last drawn salary was Rs.208/- per day at the time of termination. It is submitted that the Respondents made a requisition to the District Employment Officer, Nizamabad, to sponsor the candidates for the post of Attendar (peon/sub-staff). The Respondents refused to receive the application from the co workers of Petitioner for the post of Attendar, though the Petitioner has worked from 2009 to 2014. Aggrieved by the same the co workers of Petitioner K.Vilas, K.B.Kiran Kumar, K.Sai Kumar and K.Ramesh filed Writ Petition before the Hon'ble High Court, Hyderabad vide W.P.No.33593 of 2014 and the 10.11.2014. Therefore, the first Respondent is directed to receive the application from the Petitioners and allow them to participate in the selection process including the written test and interview to the existing vacancies of post of Attendar (peon/sub staff) without insisting that their names must be sponsored by the Employment Exchange. It is submitted that in spite of above Hon'ble High Court order the Respondents not received the application from the co workers of Petitioner. Non receipt of application from the Petitioner is nothing but unfair labour practice and against the principles of natural justice. It is submitted that the Petitioner never asked for regularization. It is submitted that entire family is depending on the Petitioner's income and after termination of the Petitioner, they are facing untold problems and hardship and the Petitioner is the only bread earner in the family. In spite of his best efforts the Petitioner could not secure any other alternate employment and the Petitioner is unemployed from the date of termination. Hon'ble High Court, Hyderabad, passed the following order on 10.11.2014:

"Therefore the first Respondent is directed to receive the application from the Petitioners and allow them to participate in the selection process including the written test and interview to the existing vacancies of post of Attendar (Peon/Sub Staff) without insisting that their names must be sponsored by the Employment Exchange."

It is therefore, prayed to this Hon'ble Tribunal to pass an Award by set aside oral termination dated 16.9.2014 and directing the Respondents herein to reinstate the Petitioner into service with continuity of service, with full back wages and with all other attendant benefits and pass such other and further order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and in the interest of justice.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

It is submitted that the contention of the Petitioner that he was appointed as temporary Sub-staff on 13.3.2009 is false and not based on facts. He was never appointed as temporary sub-staff. He was neither recruited through any of the specified processes of recruitment nor issued any appointment letter by any authority in LIC of India for any post/ cadre. It is submitted that appointment of temporary Sub-staff are guided by the LIC of India (Staff) Regulations, 1960 which have the statutory force of Law. The necessary instructions are issued by the Respondent Corporation through "LIC of India (Employment of Temporary Staff) Instructions, 1993" which envisage the appointment of person as Temporary staff having requisite qualifications and sponsored by the Employment Exchange. Hence the Petitioner was therefore never appointed by LIC of India at any point of time and the contention of the Petitioner that he had worked continuously without any break is false. He was engaged purely as a daily wager, intermittently, as and when need arises doing miscellaneous jobs such as filing, dusting, serving water etc.. He was paid daily wages according to the norms maintained by the concerned department as per Law. It is submitted that the Petitioner having been engaged as a daily wager, hence issue of appointment letter does not arise. The Petitioner was never recruited to any cadre/ post in LIC of India in accordance with the "LIC of India Recruitment (of Class III and Class IV staff) Instructions, 1993" dated 25.02.1993. He was neither appointed under the "LIC of India (Employment of Temporary Staff) Instructions, 1993 dated 28.06.1993 nor under any other instructions issued by the Corporation from time to time. He was never issued any appointment letter by any authority in LIC of India. He was engaged purely as a daily wager, intermittently, as and when need arises doing miscellaneous jobs such as, filing, dusting, serving water etc.. He was paid daily wages according to the norms and his signature was obtained on the vouchers as an

acknowledgement of having received the payment of wages. Salary, pay slip and other benefits such as Provident Fund etc. are not applicable to daily wagers. It is submitted that the contention of the Petitioner that the LIC management has indulged in unfair labour practice is false and the same is denied by the Respondents. It is submitted that the Petitioner was paid on daily wage basis according to the Laws in force, as and when his services were engaged. The allegation that the Petitioner was cheated by paying less wages in false and dummy names is totally false and not based on facts. It is submitted that as per the Hon'ble Supreme court directions to LIC of India vide order dated 18.01.2011 in the Civil appeal No. 953 to 968 of 2009 to regularize the services of those temporary employees who were working continuously for 5 years in the Corporation as on 18.01.2011, by conducting a limited syllabus written examination, as a onetime measure. The Hon'ble Supreme Court has also directed LIC that - "such of those temporary employees who do not apply and or not successful shall cease to be in employment. It is clarified that those temporary persons, who are not governed under these submissions, shall also cease to be in the employment." Hence, after the recruitment process was completed, services of the Petitioner were not engaged further, in strict compliance of the order of the Apex Court in Civil Appeal No.'s 953-968 of 2005, as stated above. Since the Petitioner was never appointed by LIC of India by any authority or for any post and not issued any appointment letter by any authority in LIC of India, the question of termination of his services does not arise. The services of the Petitioner were further not engaged, in strict compliance of the order of the Apex Court in Civil Appeal No.'s 953-968 of 2005 and also as his services were further not required anymore by the Branch Office. It is submitted that in fact the provisions of ID Act are not applicable to the Petitioner and the ID Act 1947 will have no application and consequently the Industrial Tribunal will have no jurisdiction to grant any relief to the workmen which was accepted by the CGIT Mumbai, in its Award dt.24.02.2000 in reference No.CGIT/2/8/1989 wherein the Hon'ble Tribunal was pleased to dismiss the reference on the ground that in as much as the grant of the benefit therein is governed by rules made by the Central Government under section 48(2)(cc), the Tribunal will have no (a) The (Staff) Regulations, including Regulation 8 there to, are rules made by the Central Government under Clause (cc) of Sub-section (2) of Section 48, by virtue of the deeming provisions of Sub-section (2-A) of the said section, as held in the judgements of the Supreme Court in *M. Venugopal v Divisional Manager, LIC of India, Machilipatnam and LIC of India v. Raghavendra Seshagiri Rao Kulkarni*. (b) by virtue of Sub-sec (2-C) of Section 48 of the Act, the provisions of the Industrial Disputes Act, 1947 or any other law shall have no application to the matters covered by, among others, Regulation 8 (2) of the (Staff) Regulations, as held in the decisions of the of the Supreme Court in *A.V.Nachane v Union of India, M. Venugopal v. Divl. Manager, LIC of India* and in *LIC of India v. Raghavendra Seshagiri Rao Kulkarni*, and proposition of law has been followed by the Central Government Industrial Tribunal, Mumbai in its award dated 24.2.2000 in Reference No: CGIT-2/8 of 1999; and (c) In view of the fact that Regulation 8(2) of the (Staff) Regulations contains an absolute prohibition against claim for absorption by Regulation 8 temporary staff and the said Regulation 8(2) being a rule made by the Central Government under Section 48(2)(cc), it will have effect notwithstanding anything contained in the I.D. Act, 1947 or in any not notwithstanding anything contained in the Industrial Disputes Act, other law or in any settlement, agreement or award for the time being in force. It is submitted that the contention of the Petitioner that services orally "suddenly Petitioner's terminated on 16.9.2014" is not correct and tenable. It is submitted that the Petitioner stated that he has represented to the Assistant Labour Commissioner (Central), Mancherial at Ramagundam and the conciliation proceedings were ended in failure. It is submitted that Petitioner was never recruited to any cadre/ post in accordance with the "LIC of India Recruitment (of Class III and Class IV Staff) Instructions, 1993" dated 25.02.1993. He was neither appointed under the LIC of India (Employment of Temporary Staff) Instructions, 1993 dated 28.06.1993 nor under any other instructions issued by the Corporation from time to time. He was never issued any appointment letter by any authority in LIC of India. Hence, the question of termination of his services does not arise. His services were further not engaged, in strict compliance of the order of the Apex Court in Civil Appeal Nos. 953-968 of 2005 and also as his services were further not required anymore by the Branch Office. Thus the provisions of ID Act are not applicable to the Petitioner. Hence, the Petitioner's contention that the "action of the Respondent corporation is unjustified" is not tenable. It is submitted that the Secunderabad Division, i.e., Respondent corporation in order to follow the laid down procedure in appointing of temporary staff, had written to the District Employment Officer, Nizamabad, to sponsor the candidates for engaging them on temporary basis. But, for technical reasons, the Division has not proceeded further in engaging the candidates on temporary basis at the preliminary stage and no selection process was done. As such, no application has been received from the Petitioner. In view of not proceeding further in engaging the candidates on temporary basis, the contention of the Petitioner that "non receipt of application from the Petitioner is not intentional but on technical reasons no application has been received from anybody including the Petitioner. It is submitted that the Respondent Corporation recruits the staff on permanent basis through laid-down rules and procedures and it does not provide any instructions for regularisation of the services of wage temporary/ daily workmen working in our Organisation. Though the Petitioner is not asking for Office regularization, it is submitted that the Petitioner was engaged as per the needs of the office and for which purpose he was paid daily wages as per the agreed norms. It is reiterated that the services of the Petitioner were further not engaged, in strict compliance of the order of the Apex Court in Civil Appeal Nos. 953-968 of 2005 and also as his services were further not required by the Branch Office. It is submitted that the Petitioner was engaged by the office only as a daily intermittently, as and when need arises doing miscellaneous jobs such as filing, dusting, serving water etc. There was no binding on either side to continue the engagement. He was being paid as per the work done as needed by the was aware that he was being engaged as a

daily wager and that there is no provision to regularize a daily wager. It is Petitioner submitted that further, the copies of attendance registers produced by the Petitioner are not authentic as they are not authenticated by any Official of Corporation Respondent and they are all denied and the Petitioner also produced some of the vouchers which are not tallying with that of attendance register submitted. It is submitted that in the above stated facts and circumstances the Respondent corporation submitted that the question of reinstatement devoid of merits as claimed by the Petitioner does not arise basing on the petition.

4. Petitioner has examined himself as WW1 in support of his claim and has also filed documentary evidence Ex.W1 to W23. On the other hand Respondent has examined MW1.

5. Heard arguments of Learned Counsel for both the parties.

6. On the basis of the pleadings of both parties and arguments advanced, the following points emerge for determination:-

I. Whether the action of the Respondent in terminating the services of the Petitioner is in violation of Sec.25F, 25G and 25H of the I.D. Act, 1947?

II. To what relief is the Petitioner entitled?

Findings:

7. Point No. I: It is the claim of the Petitioner that he was appointed as temporary Sub-Staff on 13.3.2009 in the service of Respondent as a Peon in Class- IV Cadre in New Business Department LIC of India, Nizamabad Branch office on payment of Rs. 90/- per day and he worked continuously without any break, to the entire satisfaction of superior officers. There were no complaints of what so ever nature against the Petitioner in his entire service. The Respondent has not issued any appointment letter nor any pay slip to the Petitioner during his service and Petitioner used to sign on the vouchers at the time of taking salary and he was not extended any benefits like provident fund and ESI, etc., Further, Petitioner claims that the Respondent suddenly terminated the services of the Petitioner by oral order on 16.9.2014 without conducting any enquiry, notice pay, compensation and the action of the Respondent is quite illegal, arbitrary, unjust and contrary to the provisions of I.D. Act, 1947. The action of the Respondent in terminating the services of the Petitioner is nothing but unfair labour practice. The Petitioner has taken the plea that his termination by Respondent from service is in violation of Section 25 F, G and H of the Industrial Disputes Act. Since Respondent has not given any notice and also not given any retrenchment compensation.

8. In support of the claim Petitioner has examined himself as WW1 and in chief examination affidavit he has supported averments made in the claim statement. Whereas in the cross examination WW1 states, "It is true that I was engaged as a casual labour in the Respondent office. It is not true to suggest that I have not worked continuously under the Respondent. I know the procedure for the employment in Respondent's organization. The Respondent has removed me without any notice." Petitioner has filed photocopies of the documents which have been marked as Ex.W1 to W23. WW1 did not make any statement in chief affidavit about the contents of these documents and also by these documents what he propose to prove the fact. As the contents of the documents filed by the Petitioner has not been proved by WW1 in chief examination, it can not be said that documents filed by him can be read in evidence in support of his averments. Further, the perusal of the documents Ex.W7 to W11 appears to be photocopies of attendance register but these documents do not contain the details regarding organization and it's competent authority to which it is stated to be belong or which authority has issued those documents. There is no signature or seal of the issuing authority on these documents. In the absence of the above, the photocopies of these documents are nothing but vague piece of evidence which can not be read in evidence and hence the claim of the Petitioner do not find support from these photocopies. Further, Ex.W1 is the application addressed to the ALC(C) moved by Petitioner. Ex.W6 is the list of daily wagers /temporary workmen and from the perusal of the Ex.W6 it appears that the name of the daily wagers/temporary workmen are mentioned from Sl.No.1 to 5. It is also mentioned that said workmen were engaged in the Respondent office after 2011-2012. But name of the Petitioner is mentioned therein. Further, Ex.W10 to W20 are photocopies of the payment vouchers. It appears from the said photocopies that certain sum of the payments were made to the persons named against whom the amount is mentioned therein. But, the Petitioner's claim does not find any support from these photocopies/documents, because there is no signature and seal of the competent authority issuing the same and also do not disclose that in what respect the payments to the persons named including Petitioner has been made. Therefore, the claim of the Petitioner that he was appointed as a temporary sub-staff on the post of Peon in Class-IV cadre in New Business Department, LIC of India, Nizamabad branch office has not been proved by the said oral and documentary evidence adduced by the Petitioner. Moreover, no appointment letter or pay slip has been filed by the Petitioner in support of his claim of appointment in the Respondent's office.

9. As regards the contention of the Petitioner that his services were terminated by the Respondent w.e.f 19.2.2015 in contravention of the provisions of Sec.25F, 25G and 25H of the I.D. Act, 1947. It would be apposite to mention the provision of the Sec.25F of the I.D. Act, 1947 and the same is extracted below:-

Section 25F in The Industrial Disputes Act, 1947

25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service] or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

Compensation to workmen in case of transfer of undertakings.

In the context of definition of continuity of service for 240 days, The Hon'ble Apex Court in the case of **Mohan Lal v. Management BEL 1981 SCC 225**, have held:

"Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act. he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service."

"Clause (2)(a) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted service for a period of one year but he has rendered period of 240 days during the period of 12 calendar service for months counting backwards and just preceding the relevant date being the date of retrenchment. In other words, in order to invoke the fiction enacted in clause (2)(a) it is necessary to determine

first the relevant date, ie the date of termination of service which is complained of as retrenchment. After that date is ascertained, move backward to a period of 12 months just preceding the date of retrenchment and then ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. If these three facts are affirmatively answered in favor of the workman pursuant to the deeming fiction enacted in clause (2)(a) it will have to be assumed that the workman is in continuous service for a period of one year and he will satisfy the eligibility qualification enacted in Section 25-F"

To claim the protection of the provision of sec.25F of the I.D. Act, 1947 in case of his termination from service, Petitioner has to prove the factum of 240 days continuous service preceding from the date of his termination. But Petitioner witness WW1, has nowhere stated that he has worked continuously for 240 days in a calendar year just preceding from the date of termination i.e., 19.2.2015. Therefore, the protection from termination is not available to him under Sec.25F of the I.D. Act, 1947.

10. On the other hand, Respondent has contended that the Petitioner was not issued with any appointment letter and pay slip by the office and benefits like, PF and ESI was not extended to him. Further, Respondent contended that the claim of the Petitioner that he was appointed as temporary sub-staff on 13.3.2009 is false and not based on record. He was never appointed as temporary staff. He was neither recruited through any of the specified processes of recruitment nor issued any appointment letter by any authority in LIC of India for any post /cadre. The appointment of temporary sub-staff are guided by the LIC of India (Staff) Regulations, 1960 which have the statutory force of law. The Petitioner was engaged purely on daily wage basis intermittently as and when need arises doing miscellaneous jobs such as filing, dusting, serving water etc.. He was paid daily wages according to the norms maintained by the concerned Department as per law. Respondent contends that Petitioner having been engaged as a daily wager, hence issuance of appointment letter does not arise. That Petitioner was never recruited in any cadre of post in LIC of India in accordance with the "LIC of India Recruitment (of Class III and Class IV Staff) Instructions, 1993". He was paid daily wages according to norms and his signature was obtained on the vouchers as an acknowledgement of having received the payment of wages. Salary, pay slip and other benefits such as PF etc., are not applicable to daily wagers. Further, Respondent contended that since the Petitioner was engaged in office only as a daily wager intermittently, there was no binding on either side to continue the engagement. The Petitioner was being paid as per the work done as needed by the office. Petitioner was being engaged as a daily wager and that there is no provision to regularize a daily wager. Further Respondent contended that copies of attendance register produced by the Petitioner are not authentic as they are not authenticated by any official of Respondent corporation and they are all denied and the Petitioner also produced some of the vouchers which are not tallying with that of attendance register submitted. In support of the contention made by the Respondent, he has examined witness MW1, Sri M. Satish Kumar who has corroborated the contention of the Respondent in his chief affidavit. The witness MW1 was cross examined by the Petitioner's counsel but nothing has been elicited in the cross examination to discredit the testimony of the witness.

11. Therefore, in view of the fore gone discussion and evidence produced by the parties, Petitioner failed to establish the fact that he was appointed in the Respondent Management. The burden of the proof to establish the fact that he was appointed as a Peon in Class-IV in the Respondent Corporation and he had worked for 240 days continuously in a calendar year, just preceding from the date of termination, lies upon the Petitioner, but the

Petitioner failed to prove the averment of his claim statement. Since the Petitioner was appointed as a daily wager in the Respondent corporation intermittently on the basis of merely requirement of the work and he failed to prove continuous service of 240 days in a calendar year just preceding from the date of termination. In these circumstances, the disengagement of the Petitioner by the Respondent from the work/service can not be said to be in violation of Sec.25F of the I.D. Act, 1947 as he does not fulfill the condition precedent retrenchment under the provision of Sec.25F of the Act.

Thus, Point is answered accordingly.

12. **Point No.II:-** In view of the fore gone discussion and finding at Point No.I , the Petitioner is not entitled for any relief and his petition is liable to be dismissed.

This Point is answered accordingly.

AWARD

In view of the fore gone discussion and finding at Points No. I & II, I am of the considered view that the action of the Respondent in terminating the services of the Petitioner Sri K. Sai Kumar is not in violation of Sec.25F, 25G and 25H of the I.D. Act, 1947. Hence, the Petitioner is not entitled to any relief as prayed for. As such, the petition filed by the Petitioner deserves to be dismissed as devoid of merits. Therefore, the petition is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 7th day of December, 2023.

IRFAN QAMAR, Presiding Officer

Witnesses examined for the Petitioner Sri K. Sai Kumar	Appendix of evidence Witnesses examined for the Respondent MW1: Sri M. Satish Kumar
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Documents marked for the Petitioner

Ex.W1:	Photostat copy of representation by Petitioner to ALC(C), Hyderabad dt.3/11/14
Ex.W2:	Photostat copy of notice by ALC(C) to Respondents dt.7.3.2015
Ex.W3:	Photostat copy of reply by WW1 to the ALC(C) Hyderabad dt.19.3.2015
Ex.W4:	Photostat copy of Minutes of conciliation proceedings
Ex.W5:	Photostat copy of failure report dt.11.5.15 by ALC(C) to GOI
Ex.W6:	Photostat copy of list of temporary workmen
Ex.W7:	Photostat copy of compliance letter to ACL(C) by R3 dt.28.9.12
Ex.W8:	Photostat copy of attendance register for 8/2010 to 12/2010
Ex.W9:	Photostat copy of attendance register for the year 2011
Ex.W10:	Photostat copy of attendance register for 5/2012 to 9/2012
Ex.W11:	Photostat copy of attendance register for 4/2013 to 5/2013
Ex.W12:	Photostat copy of wages payment vouchers for 1/2012
Ex.W13:	Photostat copy of wages payment vouchers for difference of wages paid on 3.9.12
Ex.W14:	Photostat copy of wages payment vouchers for June, 2013
Ex.W15:	Photostat copy of wages payment vouchers for July, 2013
Ex.W16:	Photostat copy of wages payment vouchers for August, 2013
Ex.W17:	Photostat copy of wages payment vouchers for October, 2013
Ex.W18:	Photostat copy of wages payment vouchers for November, 2013
Ex.W19:	Photostat copy of wages payment vouchers for March, 2014
Ex.W20:	Photostat copy of wages payment vouchers for May, 2014
Ex.W21:	Photostat copy of wages payment vouchers for May, 2014
Ex.W22:	Photostat copy of wages payment vouchers for May, 2014
Ex.W23:	Photostat copy of order in WP No.33593/2014 dt. 10.11.14

Documents marked for the Respondent

NIL

नई दिल्ली, 18 जनवरी, 2024

का.आ. 113.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्सुरेंस कॉर्पोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री आर. पोचेट्टी @ आनंद के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-11/2016) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2023- आईआर(एम)-75]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 113.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 11/2016**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Sri R. Pochetty @ Anand** which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. Z-16025/04/2023-IR(M)-75]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 7th day of December, 2023

INDUSTRIAL DISPUTE L.C.No. 11/2016

Between:

Sri R. Pochetty@ Anand,

S/o R. sanjeev,

R/o 2-43/1, Lakkampally Village,

Nandipet Mandal,

Nijamabad District – 503001.

.....Petitioner

AND

1. The Zonal Manager,
Life Insurance Corporation of India,
South Central Zonal Office,
'Jeevan Sagar', Secretariat Road,
Saifabad, Gandhi Nagar,
Hyderabad – 500 080.
2. The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office,
'Jeevan Sagar', Behind NTR Stadium,
Gandhi Nagar, Hyderabad – 500 080.

3. The Branch Manager,
Life Insurance Corporation of India,
Nizamabad Branch,
Nizamabad – 503001.

....Respondents

Appearances:

For the Petitioner : M/s. Y. Ranjeeth Reddy, Advocate

For the Respondent: M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

Sri R. Pochetty @ Anand who worked as Sub-Staff (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents LIC of India seeking for declaring the proceeding dated 19.2.2015 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

It is submitted that the Petitioner was appointed as temporary Sub-Staff on 13.11.2010 and performed as a Peon in Class- IV Cadre in OM Department LIC of India, Nizamabad Branch office on payment of Rs.2,500/- per month and Petitioner was worked continuously without any break, to the entire satisfaction of superior officers. There were no complaints of what so ever nature against the Petitioner in his entire service. It is submitted that the Respondent not issued any appointment letter and pay slip to the Petitioner during his service and Petitioner used to sign on the vouchers at the time of taking salary and not extended any benefits like provident fund and ESI, etc.. It is submitted that the management has indulged in unfair labour practice and it is against the principles of natural justice and cheated the Petitioner along with other workers by paying less wages in false and dummy names and same was brought to the notice of the Central Labour Authorities. Accordingly the Labour Enforcement officer (Central) conducted inspection and submitted report vide No. 36 (5) 2012 LEO/M4, dated 06.06.2012 and advised the Respondents for payment of difference of minimum wages and accordingly the Respondent paid the difference of minimum wages to the Petitioner along with other workers. It is submitted that while so, suddenly Petitioner's services orally terminated on 19.02.2015 without conducting any enquiry, notice pay, compensation is arbitrary, illegal, unjust and contrary to the provisions of Industrial Disputes Act and against the principles of natural justice and same is nothing but unfair labour practice of the Respondents. It is submitted that the Petitioner gave a representation dated 10.03.2015 to the Assistant Labour Commissioner (Central), Mancheri, at Ramagundam, same was received on 10.03.2015 requesting to intervene the matter and to direct the Respondents to direct the Respondents to reinstate the Petitioner into service. It is submitted that the Assistant Labour Commissioner (Central), Mancheri, at Ramagundam issued notice dated 11.03.2015 and 06.11.2015 to the Respondents for joint meetings/ conciliation proceedings. The Assistant Labour Commissioner(Central), Mancheri, at Ramagundam closed conciliation meetings and sent the failure report to the Government of India. It is submitted that the action of the Respondent by terminating the Petitioner from service w.e.f. 19.02.2015 is illegal and unjustified. The termination is violation of the Sec 25 F, G and H of the Industrial Disputes Act. The Respondent has not given any notice and also not given any retrenchment compensation and Petitioner's last drawn salary was Rs.208/- per day at the time of termination. It is submitted that the Respondents made a requisition to the District Employment Officer, Nizamabad, to sponsor the candidates for the post of Attendar (peon/sub-staff). The Respondents refused to receive the application from the co workers of Petitioner for the post of Attendar, though the Petitioner has worked from 2009 to 2014. Aggrieved by the same the co workers of Petitioner K.Vilas, KB.Kiran Kumar, K.Sai Kumar and K.Ramesh filed Writ Petition before the Hon'ble High Court, Hyderabad vide W.P.No.33593 of 2014 and the 10.11.2014. Therefore, the first Respondent is directed to receive the application from the Petitioners and allow them to participate in the selection process including the written test and interview to the existing vacancies of post of Attendar (peon/sub staff) without insisting that their names must be sponsored by the Employment Exchange. It is submitted that in spite of above Hon'ble High Court order the Respondents not received the application from the co workers of Petitioner. Non receipt of application from the Petitioner is nothing but unfair labour practice and against the principles of natural justice. It is submitted that the Petitioner never asked for regularization. It is submitted that entire family is depending on the Petitioner's income and after termination of the Petitioner, they are facing untold problems and hardship and the Petitioner is the only bread earner in the family. In spite of his best efforts the Petitioner could not secure any other alternate employment and the Petitioner is unemployed from the date of termination. Hon'ble High Court, Hyderabad, passed the following order on 10.11.2014:-

“Therefore the first Respondent is directed to receive the application from the Petitioners and allow them to participate in the selection process including the written test and interview to the existing vacancies of post of Attendar (Peon/Sub Staff) without insisting that their names must be sponsored by the Employment Exchange.”

It is therefore prayed to this Hon'ble Tribunal to pass an Award by set aside oral termination dated 19.02.2015 and directing the Respondents herein to reinstate the Petitioner into service with continuity of service, with full back wages and with all other attendant benefits and pass such other and further order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and in the interest of justice.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

It is humbly submitted that the contention of the Petitioner that he was appointed as temporary Sub-staff on 13.11.2010 is false and not based on facts. He was never appointed as temporary sub-staff. He was neither recruited through any of the specified processes of recruitment nor issued any appointment letter by any authority in LIC of India for any post/ cadre. It is submitted that appointment of temporary Sub-staff are guided by the LIC of India (Staff) Regulations, 1960 which have the statutory force of Law. The necessary instructions are issued by the Respondent Corporation through "LIC of India (Employment of Temporary Staff) Instructions, 1993" which envisage the appointment of person as Temporary staff having requisite qualifications and sponsored by the Employment Exchange. Hence the Petitioner was therefore never appointed by LIC of India at any point of time and the contention of the Petitioner that he had worked continuously without any break is false. He was engaged purely as a daily wager, intermittently, as and when need arises doing miscellaneous jobs such as filing, dusting, serving water etc.. He was paid daily wages according to the norms maintained by the concerned department as per Law. It is submitted that the Petitioner having been engaged as a daily wager, hence issue of appointment letter does not arise. The Petitioner was never recruited to any cadre/ post in LIC of India in accordance with the "LIC of India Recruitment (of Class III and Class IV staff) Instructions, 1993" dated 25.02.1993. He was neither appointed under the "LIC of India (Employment of Temporary Staff) Instructions, 1993 dated 28.06.1993 nor under any other instructions issued by the Corporation from time to time. He was never issued any appointment letter by any authority in LIC of India. He was engaged purely as a daily wager, intermittently, as and when need arises doing miscellaneous jobs such as, filing, dusting, serving water etc.. He was paid daily wages according to the norms and his signature was obtained on the vouchers as an acknowledgement of having received the payment of wages. Salary, pay slip and other benefits such as Provident Fund etc. are not applicable to daily wagers. It is submitted that the contention of the Petitioner that the LIC management has indulged in unfair labour practice is false and the same is denied by the Respondents. It is submitted that the Petitioner was paid on daily wage basis according to the Laws in force, as and when his services were engaged. The allegation that the Petitioner was cheated by paying less wages in false and dummy names is totally false and not based on facts. It is submitted that as per the Hon'ble Supreme court directions to LIC of India vide order dated 18.01.2011 in the Civil appeal No. 953 to 968 of 2009 to regularize the services of those temporary employees who were working continuously for 5 years in the Corporation as on 18.01.2011, by conducting a limited syllabus written examination, as a onetime measure. The Hon'ble Supreme Court has also directed LIC that - "such of those temporary employees who do not apply and or not successful shall cease to be in employment. It is clarified that those temporary persons, who are not governed under these submissions, shall also cease to be in the employment." Hence, after the recruitment process was completed, services of the Petitioner were not engaged further, in strict compliance of the order of the Apex Court in Civil Appeal No.'s 953-968 of 2005, as stated above. Since the Petitioner was never appointed by LIC of India by any authority or for any post and not issued any appointment letter by any authority in LIC of India, the question of termination of his services does not arise. The services of the Petitioner were further not engaged, in strict compliance of the order of the Apex Court in Civil Appeal No.'s 953-968 of 2005 and also as his services were further not required anymore by the Branch Office. It is submitted that in fact the provisions of ID Act are not applicable to the Petitioner and the ID Act 1947 will have no application and consequently the Industrial Tribunal will have no jurisdiction to grant any relief to the workmen which was accepted by the CGIT Mumbai, in its Award dt.24.02.2000 in reference No.CGIT/2/8/1989 wherein the Hon'ble Tribunal was pleased to dismiss the reference on the ground that in as much as the grant of the benefit therein is governed by rules made by the Central Government under section 48(2)(cc), the Tribunal will have no (a) The (Staff) Regulations, including Regulation 8 there to, are rules made by the Central Government under Clause (cc) of Sub-section (2) of Section 48, by virtue of the deeming provisions of Sub-section (2-A) of the said section, as held in the judgements of the Supreme Court in *M. Venugopal v Divisional Manager, LIC of India, Machilipatnam* and *LIC of India v. Raghavendra Seshagirirao Kulkarni*. (b) by virtue of Sub-sec (2-C) of Section 48 of the Act, the provisions of the Industrial Disputes Act, 1947 or any other law shall have no application to the matters covered by, among others, Regulation 8 (2) of the (Staff) Regulations, as held in the decisions of the Supreme Court in *A.V.Nachane v Union of India*, *M. Venugopal v. Divl. Manager, LIC of India* and in *LIC of India v. Raghavendra Seshagirirao Kulkarni*, and proposition of law has been followed by the Central Government Industrial Tribunal, Mumbai in it's award dated 24.2.2000 in Reference No: CGIT-2/8 of 1999; and (c) In view of the fact that Regulation 8(2) of the (Staff) Regulations contains an absolute prohibition against claim for absorption by Regulation 8 temporary staff and the said Regulation 8(2) being a rule made by the Central Government under Section 48(2)(cc), it will have effect notwithstanding anything contained in the I.D. Act, 1947 or in any not notwithstanding anything contained in the Industrial

Disputes Act, other law or in any settlement, agreement or award for the time being in force. It is submitted that the contention of the Petitioner that services orally "suddenly Petitioner's terminated on 19.02.2015" is not correct and tenable. It is submitted that the Petitioner stated that he has represented to the Assistant Labour Commissioner (Central), Mancherial at Ramagundam and the conciliation proceedings were ended in failure. It is submitted that Petitioner was never recruited to any cadre/ post in accordance with the "LIC of India Recruitment (of Class III and Class IV Staff) Instructions, 1993" dated 25.02.1993. He was neither appointed under the LIC of India (Employment of Temporary Staff) Instructions, 1993 dated 28.06.1993 nor under any other instructions issued by the Corporation from time to time. He was never issued any appointment letter by any authority in LIC of India. Hence, the question of termination of his services does not arise. His services were further not engaged, in strict compliance of the order of the Apex Court in Civil Appeal Nos. 953-968 of 2005 and also as his services were further not required anymore by the Branch Office. Thus the provisions of ID Act are not applicable to the Petitioner. Hence, the Petitioner's contention that the "action of the Respondent corporation is unjustified" is not tenable. It is submitted that the Secunderabad Division, i.e. Respondent corporation in order to follow the laid down procedure in appointing of temporary staff, had written to the District Employment Officer, Nizamabad, to sponsor the candidates for engaging them on temporary basis. But, for technical reasons, the Division has not proceeded further in engaging the candidates on temporary basis at the preliminary stage and no selection process was done. As such, no application has been received from the Petitioner. In view of not proceeding further in engaging the candidates on temporary basis, the contention of the Petitioner that "non receipt of application from the Petitioner is not intentional but on technical reasons no application has been received from anybody including the Petitioner. It is submitted that the Respondent Corporation recruits the staff on permanent basis through laid-down rules and procedures and it does not provide any instructions for regularization of the services of wage temporary/ daily workmen working in our Organization. Though the Petitioner is not asking for Office regularization, it is submitted that the Petitioner was engaged as per the needs of the office and for which purpose he was paid daily wages as per the agreed norms. It is reiterated that the services of the Petitioner were further not engaged, in strict compliance of the order of the Apex Court in Civil Appeal Nos. 953-968 of 2005 and also as his services were further not required by the Branch Office. It is submitted that the Petitioner was engaged by the office only as a daily wager intermittently, as and when need arises doing miscellaneous jobs such as filing, dusting, serving water etc. There was no binding on either side to continue the engagement. He was being paid as per the work done as needed by the was aware that he was being engaged as a daily wager and that there is no provision to regularize a daily wager. It is Petitioner submitted that further, the copies of attendance registers produced by the Petitioner are not authentic as they are not authenticated by any Official of Corporation Respondent and they are all denied and the Petitioner also produced some of the vouchers which are not tallying with that of attendance register submitted. It is submitted that in the above stated facts and circumstances the Respondent corporation submitted that the question of reinstatement devoid of merits as claimed by the Petitioner does not arise basing on the petition.

4. Petitioner has examined himself as WW1 in support of his claim and has also filed documentary evidence Ex.W1 to W21. On the other hand Respondent has examined MW1.

5. Heard arguments of Learned Counsel for both the parties.

6. On the basis of the pleadings of both parties and arguments advanced, the following points emerge for determination:-

I. Whether the action of the Respondent in terminating the services of the Petitioner is in violation of Sec.25F, 25G and 25H of the I.D. Act, 1947?

II. To what relief is the Petitioner entitled?

Findings:

7. Point No. I: It is the claim of the Petitioner that he was appointed as temporary Sub-Staff on 13.11.2010 in the service of Respondent as a Peon in Class- IV Cadre in OM Department LIC of India, Nizamabad Branch office on payment of Rs.2,500/- per month and he worked continuously without any break, to the entire satisfaction of superior officers. There were no complaints of what so ever nature against the Petitioner in his entire service. The Respondent has not issued any appointment letter nor any pay slip to the Petitioner during his service and Petitioner used to sign on the vouchers at the time of taking salary and he was not extended any benefits like provident fund and ESI, etc.,. Further, Petitioner claims that the Respondent suddenly terminated the services of the Petitioner by oral order on 19.02.2015 without conducting any enquiry, notice pay, compensation and the action of the Respondent is quite illegal, arbitrary, unjust and contrary to the provisions of I.D. Act, 1947. The action of the Respondent in terminating the services of the Petitioner is nothing but unfair labour practice. The Petitioner has taken the plea that his termination by Respondent from service is in violation of Section 25 F, G and H of the Industrial Disputes Act. Since Respondent has not given any notice and also not given any retrenchment compensation.

8. In support of the claim Petitioner has examined himself as WW1 and in chief examination affidavit he has supported averments made in the claim statement. Whereas in the cross examination WW1 states, "It is true that I was engaged as a casual labour in the Respondent office. It is not true to suggest that I have not worked continuously under the Respondent. I know the procedure for the employment in Respondent's organization. The Respondent has removed me without any notice." Petitioner has filed photocopies of the documents which have been marked as Ex.W1 to W21. WW1 did not make any statement in chief affidavit about the contents of these documents and also by these documents what he propose to prove the fact. As the contents of the documents filed by the Petitioner has not been proved by WW1 in chief examination, it can not be said that documents filed by him can be read in evidence in support of his averments. Further, the perusal of the documents Ex.W6 to W9 appears to be photocopies of attendance register but these documents do not contain the details regarding organization and it's competent authority to which it is stated to be belong or which authority has issued these documents. There is no signature or seal of the issuing authority on these documents. In the absence of the above, the photocopies of these documents are nothing but vague piece of evidence which can not be read in evidence and hence the claim of the Petitioner do not find support from these photocopies. Further, Ex.W1 is the application addressed to the ALC(C) moved by Petitioner. Ex.W4 is the list of daily wagers /temporary workmen and from the perusal of the Ex.W4 it appears that the name of the daily wagers/temporary workmen are mentioned from Sl.No.1 to 5 in the list. It is also mentioned that said workmen were engaged in the Respondent office after 2011-2012. But name of the Petitioner is not mentioned therein. Further, Ex.W10 to W20 are photocopies of the payment vouchers. It appears from the said photocopies that the payments were made to the persons against whom the amount is mentioned therein. But, the Petitioner's claim does not find any support from these photocopies /documents, because there is no signature and seal of the competent authority issuing the same and also do not disclose that in what respect the payments to the persons named therein has been made. Therefore, the claim of the Petitioner that he was appointed as a temporary sub-staff on the post of Peon in Class-IV cadre in OM Department, LIC of India, Nizamabad branch office has not been proved by the said oral and documentary evidence adduced by the Petitioner. Moreover, no appointment letter or pay slip has been filed by the Petitioner in support of his claim of appointment in the Respondent's office.

9. As regards the contention of the Petitioner that his services were terminated by the Respondent w.e.f 19.2.2015 in contravention of the provisions of Sec.25F, 25G and 25H of the I.D. Act, 1947. It would be apposite to mention the provision of the Sec.25F of the I.D. Act, 1947 and the same is extracted below:-

Section 25F in The Industrial Disputes Act, 1947

25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service] or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

Compensation to workmen in case of transfer of undertakings.

In the context of definition of continuity of service for 240 days, The Hon'ble Apex Court in the case of **Mohan Lal v. Management BEL 1981 SCC 225**, have held:

"Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act. he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service."

"Clause (2)(a) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted service for a period of one year but he has rendered period of 240 days during the period of 12 calendar service for months counting backwards and just preceding the relevant date being the date of retrenchment. In other words, in order to invoke the fiction enacted in clause (2)(a) it is necessary to determine

first the relevant date, ie the date of termination of service which is complained of as retrenchment. After that date is ascertained, move backward to a period of 12 months just preceding the date of retrenchment and then ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. If these three facts are affirmatively answered in favor of the workman pursuant to the deeming fiction enacted in clause (2)(a) it will have to be assumed that the workman is in continuous service for a period of one year and he will satisfy the eligibility qualification enacted in Section 25-F"

To claim the protection of the provision of sec.25F of the I.D. Act, 1947 in case of his termination from service, Petitioner has to prove the factum of 240 days continuous service preceding from the date of his termination. But Petitioner witness WW1, has nowhere stated that he has worked continuously for 240 days in a calendar year just

preceding from the date of termination i.e., 19.2.2015. Therefore, the protection from termination is not available to him under Sec.25F of the I.D. Act, 1947.

10. On the other hand, Respondent has contended that the Petitioner was not issued with any appointment letter and pay slip by the office and benefits like, PF and ESI was not extended to him. Further, Respondent contended that the claim of the Petitioner that he was appointed as temporary sub-staff on 13.3.2009 is false and not based on record. He was never appointed as temporary staff. He was neither recruited through any of the specified processes of recruitment nor issued any appointment letter by any authority in LIC of India for any post /cadre. The appointment of temporary sub-staff are guided by the LIC of India (Staff) Regulations, 1960 which have the statutory force of law. The Petitioner was engaged purely on daily wage basis intermittently as and when need arises doing miscellaneous jobs such as filing, dusting, serving water etc.. He was paid daily wages according to the norms maintained by the concerned Department as per law. Respondent contends that Petitioner having been engaged as a daily wager, hence issuance of appointment letter does not arise. That Petitioner was never recruited in any cadre of post in LIC of India in accordance with the "LIC of India Recruitment (of Class III and Class IV Staff) Instructions, 1993". He was paid daily wages according to norms and his signature was obtained on the vouchers as an acknowledgement of having received the payment of wages. Salary, pay slip and other benefits such as PF etc., are not applicable to daily wagers. Further, Respondent contended that since the Petitioner was engaged in office only as a daily wager intermittently, there was no binding on either side to continue the engagement. The Petitioner was being paid as per the work done as needed by the office. Petitioner was being engaged as a daily wager and that there is no provision to regularize a daily wager. Further Respondent contended that copies of attendance register produced by the Petitioner are not authentic as they are not authenticated by any official of Respondent corporation and they are all denied and the Petitioner also produced some of the vouchers which are not tallying with that of attendance register submitted. In support of the contention made by the Respondent, he has examined witness MW1, Sri M. Satish Kumar who has corroborated the contention of the Respondent in his chief affidavit. The witness MW1 was cross examined by the Petitioner's counsel but nothing has been elicited in the cross examination to discredit the testimony of the witness.

11. Therefore, in view of the fore gone discussion and evidence produced by the parties, Petitioner failed to establish the fact that he was appointed in the Respondent Management. The burden of the proof to establish the fact that he was appointed as a Peon in Class-IV in the Respondent Corporation and he had worked for 240 days continuously in a calendar year, just preceding from the date of termination, lies upon the Petitioner, but the Petitioner failed to prove the averment of his claim statement. Since the Petitioner was appointed as a daily wager in the Respondent corporation intermittently on the basis of merely requirement of the work and he failed to prove continuous service of 240 days in a calendar year just preceding from the date of termination. In these circumstances, the disengagement of the Petitioner by the Respondent from the work/service can not be said to be in violation of Sec.25F of the I.D. Act, 1947 as he does not fulfill the condition precedent retrenchment under the provision of Sec.25F of the Act.

Thus, Point is answered accordingly.

12. **Point No. II:-** In view of the fore gone discussion and finding at Point No. I, the Petitioner is not entitled for any relief and his petition is liable to be dismissed.

This Point is answered accordingly.

AWARD

In view of the fore gone discussion and finding at Points No. I & II, I am of the considered view that the action of the Respondent in terminating the services of the Petitioner is not in violation of Sec.25F, 25G and 25H of the I.D. Act, 1947. Hence, the Petitioner Sri R. Pochetty @ Anand is not entitled to any relief as prayed for. As such, the petition filed by the Petitioner deserves to be dismissed as devoid of merits. Therefore, the petition is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 7th day of December, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
Sri R. Pochetty @ Anand

Witnesses examined for the
Respondent
MW1: Sri M. Satish Kumar

Documents marked for the Petitioner

Ex.W1:	Photostat copy of representation by Petitioner to ALC(C), Hyderabad dt.10.3.2015
Ex.W2:	Photostat copy of notice by ALC(C) to Respondents dt.11.3.2015
Ex.W3:	Photostat copy of notice by ALC(C) to Respondents dt.11.3.2015
Ex.W4:	Photostat copy of list of temporary workmen
Ex.W5:	Photostat copy of compliance letter to ACL(C) by R3 dt.28.9.12
Ex.W6:	Photostat copy of attendance register for 8/2010 to 12/2010
Ex.W7:	Photostat copy of attendance register for the year 2011
Ex.W8:	Photostat copy of attendance register for 5/2012 to 9/2012
Ex.W9:	Photostat copy of attendance register for 4/2013 to 5/2013
Ex.W10:	Photostat copy of wages payment vouchers for 1/2012
Ex.W11:	Photostat copy of wages payment vouchers for difference of wages paid on 3.9.12
Ex.W12:	Photostat copy of wages payment vouchers for June, 2013
Ex.W13:	Photostat copy of wages payment vouchers for July, 2013
Ex.W14:	Photostat copy of wages payment vouchers for August, 2013
Ex.W15:	Photostat copy of wages payment vouchers for October, 2013
Ex.W16:	Photostat copy of wages payment vouchers for November, 2013
Ex.W17:	Photostat copy of wages payment vouchers for March, 2014
Ex.W18:	Photostat copy of wages payment vouchers for May, 2014
Ex.W19:	Photostat copy of wages payment vouchers for May, 2014
Ex.W20:	Photostat copy of wages payment vouchers for June, 2014
Ex.W21:	Photostat copy of order in WP No.33593/2014 dt. 10.11.14

Documents marked for the Respondent

NIL

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 114.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और ijeजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (75/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-19]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 114.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.75/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Paramjit Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-19]

SALONI, Dy. Director

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.75/2016

Registered On:-11/11/2016

Paramjit Kaur W/o Karam Singh C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1.The Admn. Commander, Station Head Quarter, Military Area, Patiala.

2.Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-07.12.2023

1. The workman Paramjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 115.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और कृष्णा देवी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (77/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-21]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 115.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 77/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Krishna Devi.Worker.

[No. L-12025/01/2024- IR(B-I)-21]

SALONI, Dy. Director

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.77/2016

Registered On:-11/11/2016

Krishna Devi W/o Sh. Hari Singh C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1.The Admn. Commander, Station Head Quarter, Military Area, Patiala.

2.Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-07.12.2023**

1. The workman Krishna Devi has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 116.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और कमलजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (78/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-I)-22]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 116.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 78/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Kamaljit Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-22]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Offier, Chandigarh.**

ID No.78/2016

Registered On:-11/11/2016

Kamaljit Kaur W/o Jagsir Singh C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-07.12.2023**

1. The workman Kamaljit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

Clk-vk- 117.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सरबजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (79/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-23]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 117.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 79/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sarabjit Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-23]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Offier, Chandigarh.**

ID No.79/2016

Registered On:-11/11/2016

Sarabjit Kaur W/o Baghel Singh C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-07.12.2023**

1. The workman Sarabjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 118.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, दुल हस्ती पावर स्टेशन, किशतवाड़, जम्मू, के प्रबंधन के संबंध में नियोजकों और महासचिव, निर्माण श्रमिक मजदूर संघ (पंजीकृत), दुलहस्ती पावर स्टेशन, किशतवाड़, जम्मू, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय-2 चंडीगढ़ पंचाट (संदर्भ संख्या 28/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18/01/2024 को प्राप्त हुआ था।

[सं. एल-42011/85/2014-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 118.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 28/2014**) of the **Central Government Industrial Tribunal cum Labour Court –II, Chandigarh**, as shown in the Annexure, in the Industrial dispute between the employers in relation **The General Manager, Dul Hasti Power Station, Kishtwar, Jammu, and The General Secretary, Construction Workers Labour Union(Regd.), Dulhasti Power Station, Kishtwar, Jammu**, which was received along with soft copy of the award by the Central Government on **18/01/2024**.

[No. L- 42011/85/2014- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer.

ID No.28/2014

Registered on:-21.10.2014

The General Secretary, Construction Workers Labour Union(Regd.), Head Office, Dulhasti Power Station, Kishtwar, Jammu-182206.

.....Workmen-Union

Versus

The General Manager, Dul Hasti Power Station, Kishtwar, Jammu-182206.

.....Respondent/Management

AWARD

Passed on:-19.12.2023

Central Government vide Notification No.L-42011/85/2014-IR(DU) Dated 14.10.2014, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the action of the management of Dul Hasti Power Station(NHPC), Kishtwar(J&K) represented through General manager in not accepting the demand of the union is justified or not? If not, what relief the workmen are entitled to and from which date?”

1. Today i.e. 19.12.2023 the case was fixed for arguments but none is responding on behalf of the workmen-union while several opportunities have already been given to the workmen-union for arguments. It is submitted by the learned counsel of management that the workmen-union is not turning up since long and several opportunities have already been given to the workmen-union for arguments and prayed for dismissal of the present reference filed by the workmen-union.
2. Perused the file and record and it is found that the submissions made by the learned counsel of management is true. The workmen-union is given sufficient opportunities for arguments but none has turned up in spite of the opportunities given, which shows that the workmen-union is not interested in adjudication of the matter on merit.
3. Since the workmen-union has neither put his appearance from the last so many dates and has left the case unattended for a long time without any intimation and has not argued the case to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the present reference for the non-prosecution of workmen-union.
4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 119.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कमांडर वर्क्स इंजीनियर, एमईएस, फिरोजपुर कैंट, फिरोजपुर, के प्रबंधन के संबद्ध नियोजकों और अध्यक्ष, एमईएस सिविलियन वर्कर्स एवं कर्मचारी यूनियन, फिरोजपुर कैंट, फिरोजपुर, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-2 चंडीगढ़ पंचाट (संदर्भ संख्या 17/2016) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18/01/2024 को प्राप्त हुआ था।

[सं. एल-14011/04/2016-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 119.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2016) of the **Central Government Industrial Tribunal cum Labour Court –II, Chandigarh**, as shown in the Annexure, in the Industrial dispute between the employers in relation **The Commander Works Engineer, MES, Ferozepur Cantt, Ferozepur, and The President, MES Civilian Workers & Employees Union, Ferozepur Cantt, Ferozepur**, which was received along with soft copy of the award by the Central Government on 18/01/2024.

[No. L- 14011/04/2016- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer.

ID No.17/2016

Registered on:-25.06.2016

The President, MES Civilian Workers & Employees Union, Op. MES Mandir, Ferozepur Cantt, Ferozepur-152001.

.....Workmen-Union

Versus

The Commander Works Engineer, MES, Ferozepur Cantt, Ferozepur-152001.

.....Respondent/Management

AWARD**Passed on:-19.12.2023**

Central Government vide Notification No.L-14011/04/2016-IR(DU) Dated 01/03.06.2016, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demands of MES Civilian Workers and Employees Union, Ferozepur as Mentioned in the annexure to strike Notice dated 30th April, 2015 from the management of the Commander Works Engineer, MES Ferozepur Cantt. Ferozepur, are legal, fair and justified? If yes to what relief the union and workmen are entitled to and from which date?”

1. Today i.e. 19.12.2023 the case was fixed for filing reply by the Union to the application filed by the management for recalling of order dated 26.02.2019 but none is responding on behalf of the workmen-union. It is submitted by the proxy counsel of management that the workmen-union is not turning up since long and several opportunities have already been given to the workmen-union for filing reply to the application filed by the management for recalling of order dated 26.02.2019 and prayed for dismissal of the present reference filed by the workmen-union.
2. Perused the file and record and it is found that the submissions made by the proxy counsel of management is true. The workmen-union is given sufficient opportunities for filing reply but none turned up in spite of the opportunities given, which shows that the workmen-union is not interested in adjudication of the matter on merit.
3. Since the workmen-union has neither put his appearance from the last so many dates and has left the case unattended for a long time without any intimation, as such, this Tribunal is left with no choice, except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the present reference for the non-prosecution of workmen-union.
4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 120.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स पी.एन.जी. क्रिएटिंग पावर इलेक्ट्रॉनिक्स (इंडिया), 2ए/12, टी.एफ. सिंगल स्टोरी, रमेश नगर, नई दिल्ली; जी.एम.टी.डी., बी.एस.एन.एल., हुडा कॉम्प्लेक्स, रोहतक, तहसील और जिला रोहतक, के प्रबंधन के संबद्ध नियोजकों और श्री सतबीर सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 चंडीगढ़ पंचाट (संदर्भ संख्या 12/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18/01/2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-19-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 120.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2017) of the **Central Government Industrial Tribunal cum Labour Court –II, Chandigarh**, as shown in the Annexure, in the Industrial dispute between the employers in relation M/s P.N.G. Creating Power Electronics(India), 2A/12, T.F. Single Storey, Ramesh Nagar, New Delhi ; G.M.T.D., B.S.N.L., Huda Complex, Rohtak, Tehsil and District Rohtak,, and Shri Satbir Singh, Worker, which was received along with soft copy of the award by the Central Government on 18/01/2024.

[No. L- 42025-07-2024-19- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-II, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer.

ID No.12/2017

Registered on:-05.03.2018

Sh. Satbir Singh S/o Sh. Bir Singh, R/o Village Gawalisar, Tehsil Rajgarh, District Churu(Rajasthan).

.....Workman

Versus

1.M/s P.N.G. Creating Power Electronics(India), 2A/12, T.F. Single Storey, Ramesh Nagar, New Delhi.

2.G.M.T.D., B.S.N.L., Huda Complex, Rohtak, Tehsil and District Rohtak.

.....Respondents/Managements

AWARD

Passed On:-07.12.2023

1. The workman Satbir Singh has directly filed this claim petition under Section 2-A of the Industrial Dispute Act 1947(hereinafter called the Act) for reinstatement along with arrears.

2. Today i.e. 07.12.2023 the case was fixed for filing reply/objection by the workman to the application filed by respondent no.2 for rejection of the claim statement but none is responding on behalf of workman. It is submitted by the learned counsel of respondent no.2 Sh. Anish Babbar that the workman is not turning up since long and several opportunities have already been given to the workman for filing reply/objection by the workman and prayed for dismissal of the claim petition filed by the workman.

3. Perused the file and it is found that the submissions made by the learned counsel of respondent no.2 Sh. Anish Babbar is true. The workman is given sufficient opportunities to file reply/objection by the workman to the application filed by respondent no.2 for rejection of the claim statement but none turned up in spite of the opportunity afforded to file reply/objection, which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long and has left the case unattended, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference for the non-prosecution of workman.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 121.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला; संबद्ध नियोजको और संतोष, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (81/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-25]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 121.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 81/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Santosh.Worker.

[No. L-12025/01/2024- IR(B-I)-25]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.81/2016

Registered On:-11/11/2016

Santosh W/o Rajinder Kumar R/o H.No.247, Dhiru Di Basti, Patiala C/oHarpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-07.12.2023

1. The workman Smt. Santosh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 122.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य प्रबंधक, एनटीपीसी कोल डैम, बिलासपुर; प्रबंधक, यूटिलिटी पावर टेक लिमिटेड, बिलासपुर; अध्यक्ष, मैसर्स कोल्डम ऑस्टीस कोऑपरेटिव श्रमिक एंड निर्माण एंड सप्लाय सोसाइटी लिमिटेड, बिलासपुर, के प्रबंधन के संबद्ध नियोजकों और श्री देवीराम, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 चंडीगढ़ पंचाट (संदर्भ संख्या 01/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18/01/2024 को प्राप्त हुआ था।

[सं. एल- 42011/166/2013-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 122.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 01/2014) of the Central Government Industrial Tribunal cum Labour Court -II, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation The Chief Manager, NTPC Kol Dam, Bilaspur ; The Manager, Utility Power Tech Limited, Bilaspur ; The President, M/s Koldam Oustees Cooperative Shramik & Nirman and Supply Society Limited, Bilaspur, and Shri Devi Ram, Worker, which was received along with soft copy of the award by the Central Government on 18/01/2024.

[No. L- 42011/166/2013- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer.

ID No. 01/2014

Registered on:-02.04.2014

Sh. Devi Ram S/o Ghanaiya Ram, C/o Sunder Singh Sippy, House No.100/3, Roura Sector-II, Bilaspur(HP).

.....Workman

Versus

1. The Chief Manager, NTPC Kol Dam, Office Barmana, Distt. Bilaspur.
2. Manager, Utility Power Tech Limited, A-6, NTPC, Colony Jamthal, PO Jamthal, , Distt. Bilaspur.
3. President M/s Koldam Oustees Cooperative Shramik & Nirman and Supply Society Limited, Kasol, PO Bhot Kasol, Tehsil Sadar, Distt. Billaspur.

.....Respondents/Managements

AWARD

Passed On:-10.11.2023

Central Government vide Notification No.L-42011/166/2013-IR(DU), Dated 28.02.2014, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the action of the management NTPC-Koldam/Power Tech Ltd. M/s Koldam Oastees Co-operative Sharmik & Nirman and Supply Society Ltd. in terminating the services Sh. Devi Ram, Ex Helper(daily wage basis) w.e.f. 16.06.09 without any notice and without any payment of retrenchment compensation is just, valid and legal? If not, to what benefits the workman are entitled for and what directions are necessary in the matter?”

1. Today i.e. 10.11.2023 the case was fixed for arguments. It is submitted by the learned counsel of respondent no.1 and 2 that the workman is not turning up since long and several opportunities have already been given to the workman for arguments and prayed for dismissal of the present reference filed by the workman.
2. Perused the file and it is found that the submissions made by the learned counsel of respondent no.1 and 2 is true. The workman is given sufficient opportunities for arguments but none turned up in spite of the opportunities given, which shows that the workman is not interested in adjudication of the matter on merit.
3. Since the workman has neither put his appearance for long and has not argued the case to prove his cause against the management and he has left the case unattended for a long time without any intimation, as such, this Tribunal is left with no choice, except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the present reference for the non-prosecution of workman.
4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 123.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स वेल्किन टेलीकॉम इंफ्रा प्रा. लिमिटेड और अन्य, के प्रबंधन के संबंध में नियोजकों और उनके कामगार/संघ, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 54 OF 2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.01.2024 को प्राप्त हुआ था।

[सं. एल-40012/37/2015-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th January, 2024

S.O. 123.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 54 OF 2015) of the **Central Government Industrial Tribunal cum Labour Court – Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s. Welkin Telecom Infra Pvt. Ltd. & Anr., and, Their Worker /Union**, which was received along with soft copy of the award by the Central Government on 18.01.2024.

[No. L-40012/37/2015-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO.54 OF 2015

Parties : Employers in relation to the management of

M/s. Welkin Telecom Infra Pvt. Ltd. & Anr.

AND

Their Workman/Union

Appearance:

On behalf of the Management of M/s Indus Tower Ltd.: Mr. Ranjay De.

On behalf of the Workman /Union : None

Dated: 4th October, 2023

AWARD

The management of Indus Towers Limited is represented by its Ld. Counsel Mr. Ranjay De.

None appears from the side of the contractor employer M/s. Welkin Telecom Infra Pvt. Limited. Record shows M/s Welkin Telecom Infra Pvt. Ltd has already been proceeded exparte.

Today too the workman and the union which have espoused the present dispute are found absent when the matter is called for hearing like on previous date. They have failed to comply order dated 08-08-2023 and failed to file show cause as called for. Therefore, a presumption can be drawn that workman Shri Biswajit Bera and Sri Monoj Dhar, the Secretary, Paschim Medinipur Zilla Security & Allied Services Workmen's Union are no more interested to contest the application dated 25-11-2019 filed by M/s. Indus Towers Ltd. for deletion of its name from order of reference and as well with the present dispute raised by them or may be they no longer have any dispute against the concerned employer on the issue under reference.

Be that as it may, the Central Govt., Ministry of Labour & Employment vide order No.L-40012/37/2015-IR(DU) dated 01-09-2015 has referred the following issue to this Tribunal for adjudication:-

“Whether the action of the management of M/s. Welkin Telecom Infra Pvt. Ltd., contractor of M/s. Indus Towers Limited is justified by terminating the service of Shri Biswajit Bera is legal and/or justified? If not, what relief the workmen are entitled to?”

In view of the above, no dispute award is passed and Reference Case No. 54 of 2015 is disposed of. Consequently, the application dated 25-11-2019 filed by M/s. Indus Towers Ltd. for deletion of its name from the order of reference is also disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

clk-vk- 124.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला, श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़- पटियाला; संबद्ध नियोजको और jkuh, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (80/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-24]

सलोनी, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 124.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.80/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Rani.Worker.

[No. L-12025/01/2024- IR(B-I)-24]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 80/2016

Registered On:-11/11/2016

Rani W/o Kamaljit Singh C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-07.12.2023

1. The workman Rani has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 19 जनवरी, 2024

का.आ. 125.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **महाप्रबंधक, भारत संचार निगम लिमिटेड, विजयनगरम**, के प्रबंधन के संबद्ध नियोजकों और **श्रीमती गद्दाम कृष्णवेनी, कामगार**, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-हैदराबाद पंचाट(संदर्भ संख्या 1/2011) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 19.01.2024 को प्राप्त हुआ था।

[सं. एल-40012/37/2010-आईआर(डीयू)]

डी.के.हिमांशु, अवर सचिव

New Delhi, the 19th January, 2024

S.O. 125.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2011) of the **Central Government Industrial Tribunal cum Labour Court – Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Bharat Sanchar Nigam Limited, Vizianagaram, and Smt. Gaddam Krishnaveni, Worker**, which was received along with soft copy of the award by the Central Government on 19.01.2024.

[No. L-40012/37/2010-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**Present: **-Sri Irfan Qamar**

Presiding Officer

Dated the 10th day of January, 2024**INDUSTRIAL DISPUTE No. 1/2011**

Between:

Smt. Gaddam Krishnaveni,

W/o Late Ramana,

Boya Veedhi,

Nagavamsam Veedhi,

Vizianagaram.

.....Petitioner

AND

The General Manager,

Bharat Sanchar Nigam Limited,

Telecom District, Sanchar Bhawan,

Vizianagaram.

....Respondent

Appearances:

For the Petitioner : M/s. S. Venkateshwar Rao & M.Govind, Advocates

For the Respondent: M/s. S. Prabhakar Reddy & S. Rajeswari, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L- 40012/37/2010-IR(DU) dated 22.10.2010 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Andhra Bank and their workman. The reference is,

SCHEDULE

“Whether the action of the management of Bharat Sanchar Nigam Limited, Telecom District, Vizianagaram, in removing the services of Smt. Gaddam Krishnaveni, Ex.Contract Labour (Sweeper), is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 1/2011 and notices were issued to the parties concerned.

2. The averments made in the petition in brief are as follows:

It is submitted that the petitioner Smt Gaddam Krishnaveni was working as part time worker (Sweeper) at respondent office from Jan 2002 to Nov 2009 and her services were terminated with effect from 04.12.2009 without giving any notice or without giving any reason to the effect. The petition has submitted a representation dated 07.12.2009 immediately to the Assistant Labour Commissioner (Central) Vishakapatnam as also to the respondent. There was no reply from any of the concerned officials and thus the petitioner was terminated even though she served more than 8 1/2 years with the respondent. The salary of the petitioner was a consolidated one of Rs.400/- per month from Jan 2002 to Nov 2009 without increasing salary whatsoever. The petitioner did not approach any other authority or forum for getting the dispute adjudicated. The petitioner submits that since the date of her joining in the respondent office she has been maintaining good record of service till she was terminated from service by the respondents. The petitioner submits that she has filed a writ petition no. 15973 of 2009 in the Hon'ble High Court of AP and with a fond hope that the respondent would consider the re-instatement of the petitioner belatedly, the petitioner had voluntarily withdrawn the petition on 05-08-2009. The petitioner submits that she had wrote letters to the respondent and other concerned officials including one dated 07-12-2009 and management has replied vide letters dated 18-10-2010 and 27-12-2009 addressed to AGM AP Circle Hyderabad with a copy endorsed to the petitioner. It is submitted that despite several efforts have been made by the petitioner to get her reinstated into the services, no tangible results could fourth-come and she was struggling very hard to survive with her lone son as she lost her husband long back. It is submitted that further efforts with union leaders and Central Administrative Tribunal could further demoralize the petitioner with only a hope that the above tribunal and the Central Government can only come to the rescue of the

petitioner. The petitioner pleads that there is no alternative job to save her lone son from further starvation. It is submitted that the previous record of the petitioner has been good and it has been appreciated by the higher-ups with whom-ever she worked and the request of the petitioner for re-instatement by the respondent can be considered as she has worked for continuously for 8 1/2 years. The petitioner is from BC community without having any other source of income except on the employment other wise; the petitioner would face uncountable financial stress. Hence, it is prayed to hold that the act of the Respondent in terminating from the services on 04-12-2009 is against the principles of natural justice and it is illegal and arbitrary and consequently pass an award directing the respondent to reinstate the petitioner into service with continuity of service, paying back wages and all other attendant benefits and grant such other relief or relief's.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

It is submitted that the statement of the workwoman is not true and correct, the workwoman has not filed any letter of part time sweeper issued by the respondent: It is further submitted that the workwoman has making number of representations without 'supporting any documents and these applications for representations have been disposed by the respondent vide his letter No. Estt/LC/GKM/2009-10/23, dated at VZM the 18.11.2010. The claim of the workwoman are totally false, arbitrary and illegal. The claim of the workwoman that she has been continued as a part time sweeper in B.S.N.L. is far from truth and which is not correct. It is submitted that the Petitioner is making statements without showing any supporting documents. The letters dated 16-08-2007 and 29-08-2007 have been received from the workwoman without any letter of engagement earlier and these have been dispensed as per directions of Hon'ble CAT, Hyderabad Bench dated: 28.9.2010. It is further submitted that Respondent disposing the representations of the applicant as per records available. Details of the workwoman has been called for from the concerned unit and the concerned officers have reported that whenever sweeping duties necessary /needed in the exchange the service of servant maids from outside were being utilized and paid on a case by case basis. But the services of the workwoman have not been utilized for any significant number of days. The documents filed by the workwoman are not true and correct. These documents are not originals and how these documents have been obtained is known to the workwoman only. It is submitted that the workwoman was not working since January 2002 and no certificate was issued to the workwoman by the respondent. The workwoman filed in CAT - Hyderabad vide O.A. dated 30.7. 2010, wherein she stated that she has been working from May, 2002. Hence the statements of the working woman is conflicting each other. The workwoman has not been appointed as a part time sweeper. The respondent has taken policy decision and it has been decided that in future there will be no further recruitment of part-time casual mazdoors in the department and directed to all appointing authorities to follow the instructions strictly vide DOT Letter No. 269/39/84-STN, dated: 14-08 1984 and further a ban was imposed with effect from 22-06-1988 and directed the heads of the circles not to engage casual / part-time casual mazdoors vide DOT: Lettet No. 270-6/84-STN dated: 22-06-1988 and further circular dated: 12-02-1990. As such there is no scope to engage part time casual mazdoor as per ban orders dated: 14-08-1984, 22-06-1988 and 12-02-1999. It is submitted that the respondent department launched a scheme for grant of temporary status and regularization in the year 1989. The scheme will come into force with effect from 01-10-1989 onwards and the scheme shall be arranged before 31-12-1989. This scheme is applicable to the casual labourers employed by the Dept. of Telecommunications and this scheme dated: 07-11-1989 is not applicable, to those casual mazdoors working, in BSNL, thereafter formation of BSNL on 01-10-2000. As per the provisions of the said scheme, the cut off date to decide the eligibility to confer temporary status on any casual labour is fixed. Accordingly the cut off date is 30.3.1985. Later, the scheme has been extended upto 22-06-1988 as per DOT Lr.No. 269-4/93-STN-IL, dated: 17-12-1993 and casual labourers meeting the following eligibility conditions were to be granted temporary status and subsequent regularizations.

- i). Should have been engaged before 22-06-1988.
- ii) Should be currently engaged as on 17-12-1993.
- iii) Should have rendered 240 days of service in a year (206 days) in offices following five days week pattern
- iv) There should not be any break more than one year.
- v) Letter of engagement/ sponsorship from employment exchange is necessary.

As such the workwoman has not fulfilled the required conditions as laid down in the scheme dated: 7-11-1989. Hence the workwoman is not entitled for regularization as per rules. Therefore it is prayed to dismiss the I.D. and to pass such order and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

4. The Petitioner has examined herself as WW1 in oral evidence and has also filed photocopies of documentary evidence Ex.W1 to W5. Ex.W1 is the representation of the Petitioner to the ALC(C) for reinstatement, Ex.W2 is another representation to Member of Parliament, Ex.W3 is the order in WP No.15973/2009, Ex.W4 is the letter dated 22.10.2009 from AGM, VZM to AGM, Hyderabad and Ex.W5 is the reference from Government of India. Respondent has also examined Sri Y. Sambasiva Rao as MW1 and marked Photostat copies of five documents.

Ex.M1 is the ban orders not to engage part time casual mazdoors. Ex.M2 is the circular regarding casual labourers grant of temporary status and regularization Scheme, 1989, Ex.M3 is the ban orders on casual labour recruitment, Ex.M4 is the extension of casual labourers grant of temporary status and regularization scheme, 1989 and Ex.M5 is the bank orders on casual labour recruitment/engagement.

5. Both parties submitted written arguments. Perused the record.

6. On the basis of the pleadings and rival contentions of both parties the following points emerge for determination:-

- I. Whether the action of the Respondent in terminating the services of the Petitioner Smt. Gaddam Krishnaveni, from services with effect from 4.12.2009 is legal and justified?
- II. Whether the Petitioner is entitled for regularization?
- III. To what relief is the petitioner entitled?

Findings:-

7. Point No. I: The Petitioner claims that she has worked as part time worker at Respondent's office from January, 2002 to November, 2009 and her services were terminated w.e.f 4.12.2009 without any notice, without any given reason to the effect. The salary of the Petitioner is a consolidated one of Rs.400/- per month from January, 2002 to November, 2009 without increasing the salary whatsoever. Petitioner submits that since the date of her joining in the Respondent's office she has been maintaining good record of service till she was terminated from service by Respondent. Petitioner submits that she had filed WP No.15973/2009 with a fond hope that the Respondent would consider the reinstatement of the Petitioner belatedly, the Petitioner had voluntarily withdrawn the petition on 5.8.2009. Further the Petitioner submits that she wrote letters to the Respondent and other concerned officials including one dated 7.12.2009 and Management has replied on 18.10.2010 and second one dated 27.12.2009 addressed to AGM, AP Circle, Hyderabad with a copy endorsed to the Petitioner. Petitioner submits that despite several efforts have been made by her to get her reinstated into services, no tangible results could forth come and she was struggling very hard to survive with her lone son as she lost her husband long back. To fortify her averments made in the petition Petitioner has examined herself as WW1 and she in her chief affidavit has supported the averments of the claim petition. WW1 was examined by the counsel for Respondent and she states therein,

"I have not called through employment exchange for engaging me in the Respondent organization. I have not received any appointment letter for work in the Respondent office. Sometimes Junior Engineers and sometimes Assistant Engineer used to pay my wages on consolidated basis though ACG-17 forms. When I asked for regularization of my service, the Respondent has denied and disengaged me in the year 2009. But they have not given any letter denying my regularization.

I know there is a procedure for engagement through Department. It is not correct to say that there is no employer and employee relationship between myself and the Respondent as I was not directly working under them. It is not correct to say that I am getting payment through contractor for which original pay slips are not given to me by the Department."

Thus, from the above submission of the witness it manifests that no appointment letter has been issued to the Petitioner by the Respondent to work in the Respondent's office. In the absence of appointment letter, plea of the Petitioner that she was appointed in the Respondent's office is not established.

8. Further, the documents which have been filed by the Petitioner in support of her claim are as follows:-

Ex.W1 is the representation of the Petitioner to the ALC(C) for reinstatement, Ex.W2 is another representation to Member of Parliament, Ex.W3 is the order in WP No.15973/2009, which has been withdrawn by the Petitioner, Ex.W4 is the letter dated 22.10.2009 from AGM, VZM to AGM, Hyderabad regarding parawise comments on the OA filed by Smt. G. Krishnaveni, Part Time Sweeper, in CAT, Hyderabad, wherein it is mentioned that the para-wise comments on the subject has been furnished by the Asst. General Manager, wherein it is mentioned that applicant is not a part time workers and they have not utilized the services of the applicant and the predecessors might have utilized the service of the applicant on and off, whenever required purely on casual basis without any administrative order and Ex.W5 is the reference from Government of India dated 27.2.2010. Apart from it the other documents has not been referred and proved by the witness WW1 in her testimony. Therefore, these documents can not be read into evidence.

9. On the other hand Respondent has denied the averments of the petition in his counter and has examined MW1 in support of the version of the counter. The witness MW1 in his chief examination has stated that, "Petitioner Gaddam Krishnaveni was never engaged as a Part-time casual labour / Sweeper. She never worked as stated in her claim application. Without any proof, she made a false claim seeking regularization in the Corporation and she made attempt for engagement in the Corporation through their local member of Parliament by way of representation." Further witness states, "that the claim of the workman that she has been continued as a part-time

sweeper in BSNL is far from truth. She might have been engaged by the contractor. There is no master and servant relationship in between the BSNL corporation as part time sweeper.” Witness further states, “that there is a procedure for engagement of part-time casual labours in the Respondent corporation. There is a ban on the engagement of part-time casual labours vide Department of Telecom, New Delhi letters dated 14.8.1984, 22.6.1988 and 12.2.1999 and the ban orders are in force.” Further Respondent witness states that, “the Respondent Corporation (BSNL) was formed on 1.10.2000, prior to that formation of BSNL the Department of Telecom launched a scheme i.e., casual labourers (Grant of Temporary status and regularization) Scheme, 1989 and the said scheme has been extended upto 22.6.1988 wherein part time casual labourers who are eligible were permitted to continue the work. In support of his contention Respondent has filed five documents. Ex.M1 dated 14.8.1984, Ex.M3 dated 22.6.1988 and Ex.M5 dated 12.2.1999, three ban orders regarding engagement of casual labourers, Ex.M2 is casual labourers – Grant of temporary status and regularization Scheme, 1989 and Ex.M4 is reg. extension of casual labourers scheme. Thus, from the statement of the Management witness MW1, it reflects that Petitioner was engaged in the exigencies on day to day basis and she was not appointed in the Respondent organization. She failed to prove that she had worked for 240 days in any calendar year continuously just preceding the date of her termination in the Respondent’s office as daily wage. The Petitioner utterly failed to produce even iota of evidence to prove her claim that she had worked in Respondent’s office for alleged period. The Photocopies of vouchers, regarding payments of wages filed by the Petitioner has not been proved in evidence. The fact that she had worked continuously for 240 days just preceding from date of termination is not proved. As the condition precedent for retrenchment u/s 25-F of the I.D. Act, 1947 is not fulfilled and proved by the Petitioner in this case, she can not claim protection from termination/retrenchment under the provision of Sec.25-F of the Act in case of breach of any provision of the Act.

In this context, it is seen that in the case of **Manager, RBI, Bangalore vs. S Mani (2005) SCC Page 100**, the 3 Judges Bench of the Apex Court held that,

“the initial burden of proof was on the workman to show that he had completed 240 days of service.”

Further, in the case of **In the case of Rajasthan State Ganganagar S Mills Ltd Vs State of Rajasthan & Another (2004) 8 SCC 161, Municipal Corporation, Faridabad Vs Siri Niwas (2004) 8 SCC 195**, Hon’ble Apex Court held, *“that the principle that the burden of proof lies on the workman to show that he had worked continuously for 240 days in the preceding one year prior to his alleged retrenchment and it is for the workman to adduce an evidence apart from examining himself to prove the factum of his being in employment of the employer.”*

Thus in the present matter Petitioner failed to discharge her initial burden of proof and thereby has utterly failed to prove her claim that she had worked in the Respondent’s office in alleged period from 2002 to 2009 continuously and her work was of perennial nature. Therefore, her disengagement from services by the Respondent was justified.

Thus, Point No.I is answered accordingly.

10. **Point No. II:** Petitioner claims regularization in the Respondent organization on the ground that she had worked for a duration between 2002 to 2009 in the Respondent’s office. But it is to be mentioned here that the Petitioner failed to prove that she had worked against the permanent post in the Respondent office. If for the sake of argument it is presumed that she had worked in the Respondent’s office, during the period as she has alleged in that case also Petitioner failed to establish that work done by her was of perennial nature in the Respondent’s office and she had worked against the permanent post. More over, she has not produced any document regarding her appointment in the Respondent’s office as casual workman /as daily wage. Further more, Respondent organization is Central Government undertaking and Recruitment is governed in the organization by Rules and Regulations which has statutory force of Law. Therefore, Petitioner is not entitled to claim regularization in the Respondent organization. Thus, in view of the fore gone discussion and Law laid down by the Hon’ble Apex Court, in the case **Umadevi vs. State of Karnataka**, she is not entitled for regularization as the Petitioner has failed to discharge her burden of proof that she had worked in the Respondent’s office from January, 2002 to November, 2009 continuously and she has also failed to prove her engagement in Respondent’s service as daily wage. Therefore, she is not entitled for regularization.

Thus, Point No. II is answered accordingly.

11. **Point No. III:-** In view of the fore gone discussion and finding at Points No.I and II, it is held that the Petitioner is not entitled to any relief.

This Point is answered accordingly.

AWARD

The action of the Management of Bharat Sanchar Nigam Limited, Telecom District, Vizianagaram, in removing the services of Smt. Gaddam Krishnaveni, Ex-Contract labour (Sweeper), is held legal and justified. The Petitioner is not entitled to any relief as claimed for. Petition stands dismissed. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 10th day of January, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

WW1: Smt. G. Krishnaveni

Witnesses examined for the

Respondent

MW1: Sri Y. Sambasiva Rao

Documents marked for the Petitioner

- Ex.W1: Photostat Copy of representation of WW1 to ALC(C) dt. 7.12.2009
 Ex.W2: Photostat Copy of another representation of WW1 to MP, VZRM
 Ex.W3: Photostat Copy of order passed in WP No.15973/2009
 Ex.W4: Photostat Copy of Ir. dt. 22.10.2009 by AGM, VZM to AGM, HYD
 Ex.W5: Photostat Copy of reference order from Ministry

Documents marked for the Respondent

- Ex.M1: Photostat Copy of ban orders dt. 14.8.1984
 Ex.M2: Photostat Copy of Ir. No.269-10/89-STN, dt.7.11.89
 Ex.M3: Photostat Copy of ban orders dt. 22.6.88
 Ex.M4: Photostat Copy of Ir. No.269-4/93-STN-II dt. 17.12.1993
 Ex.M5: Photostat Copy of ban orders dt.12.2.99

नई दिल्ली, 19 जनवरी, 2024

का.आ. 126.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक-सीईओ/परियोजना प्रबंधक, मैसर्स दिल्ली मेट्रो रेल कॉर्पोरेशन, बाराखम्भा रोड नई दिल्ली; निदेशक, मैसर्स केएसजे डायनेमिक सिक्योरिटी प्राइवेट लिमिटेड कापसहेड़ा, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री साहिल, कामगार, द्वारा - ऑल इंडिया जनरल मजदूर ट्रेड यूनियन (रजि.), कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 नई दिल्ली पंचाट (संदर्भ संख्या 162/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 19.01.2024 को प्राप्त हुआ था।

[सं. एल-42011/214/2021-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 19th January, 2024

S.O. 126.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 162/2023) of the **Central Government Industrial Tribunal cum Labour Court - I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director-CEO/Project Manager, M/s. Delhi Metro Rail Corporation, Barakhamba Road New Delhi ;The Director, M/s. KSJ Dynamic Security Pvt. Ltd Kapashera, New Delhi, and Shri Sahil, Worker, through- All India General Mazdoor Trade Union (Regd.), Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 19.01.2024.

[No. L-42011/214/2021 -IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT-I, NEW DELHI**ID.NO.162/2022

Sh. Sahil S/o Sh. Lal Singh

rept. by All India General Mazdoor Trade Union (Regd.) Office, 170,

Bal Mukund Khand, Giri Nagar Kalkaji, New Delhi – 110001

.....Claimant / workman

Versus

1. The Managing Director-CEO/Project Manager,
M/s. Delhi Metro Rail Corporation, Head Office,
Metro Bhawan, Fire Brigade Lane, Barakhamba Road New Delhi-110001.
2. The Director, M/s. KSJ Dynamic Security Pvt.Ltd Plot No. 273,
2nd Floor, Near SBI Old Delhi Gurgaon Road, Kapashera Exten. Kapashera,
New Delhi-110037.

.....Managements

AWARD

In the present case, a reference was received from the appropriate Government vide file No. L-42011/214/2021 (IR(DU)) New Delhi, dated 26.04.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

1. Whether the claim of All India General Mazdoor Trade Union(Regd.) New Delhi dated 08.04.2021 in respect of Sh. Sahil S/o Sh. Lal Singh that that the contractor-M/s KSJ Dynamic Security Private Limited and the officials of the DMRC used to take back some portion of wages from the workman after payment and that Sh. Sahil has been terminated w.e.f. 25.01.2021 illegally and/ or unjustifiably by the management of M/s KSJ Dynamic Security Private Limited (contractor) under M/s Delhi Metro Rail Corporation, New Delhi is proper, legal and justified? If yes, to what reliefs are the disputant worker entitled and what directions, if any, are necessary in this respect?

2. Whether the claim of bonus for the year 2019-2020 by All India General Mazdoor Trade Union (Regd.) New Delhi dated 08.04.2021 in respect of Sh. Sahil S/o Sh. Lal Singh to the management of M/s KSJ Dynamic Security Private Limited (contractor) under M/s Delhi Metro Rail Corporation, New Delhi is proper, legal and justified? If yes, to what reliefs are the disputant worker entitled and what directions, if any, are necessary in this respect?"

In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, claimant opted not to file the claim statement.

On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

Since the workman has neither put his appearance nor has he led any evidence so as to prove his cause against the managements, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

नई दिल्ली, 19 जनवरी, 2024

clk-vk- 127.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और ulhye, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (82/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-I)-26]

सलोनी, उप निदेशक

New Delhi, the 19th January, 2024

S.O. 127.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.82/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Neelam .Worker.

[No. L-12025/01/2024- IR(B-I)-26]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 82/2016

Registered On:-11/11/2016

Neelam W/o Sh. Rajvinder R/o H.No.643, Near Modi College Dheeru Majeri Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Neelam has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal on 19.12.2023, the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 19 जनवरी, 2024

dk-vk- 128.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और ijethr dkj, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (83/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-27]

सलोनी, उप निदेशक

New Delhi, the 19th January, 2024

S.O. 128.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 83/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Paramjit Kaur .Worker.

[No. L-12025/01/2024- IR(B-I)-27]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 83/2016

Registered On:-11/11/2016

Paramjit Kaur W/o Surjit Singh R/o V.P.O. Swarajpur Distt. Patiala C/o Harpreet Singh Resident-cum-Office of
Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Paramjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 24 जनवरी, 2024

clk-vk- 129.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और jkt dlpkj, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (85/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-1)-29]

सलोनी, उप निदेशक

New Delhi, the 24th January, 2024

S.O. 129.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.85/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Raj Kumar .Worker.

[No. L-12025/01/2024- IR(B-I)-29]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 85/2016

Registered On:-11/11/2016

Raj Kumar S/o Sham Sunder R/o New Basti Badungar Distt. Patiala, C/o Harpreet Singh
Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Sh. Raj Kumar has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 24 जनवरी, 2024

clk-vk- 130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन, कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और मोहिंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (86/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-I) -30]

सलोनी, उप निदेशक

New Delhi, the 24th January, 2024

S.O. 130.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 86/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Mohinder Kaur .Worker.

[No. L-12025/01/2024- IR(B-I)-30]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 86/2016

Registered On:-11/11/2016

Mohinder Kaur W/o Amarjit Singh R/o V.P.O. Passiana Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Mohinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 24 जनवरी, 2024

clk-vk- 131.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और मोहिंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (88/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-I)-32]

सलोनी, उप निदेशक

New Delhi, the 24th January, 2024

S.O. 131.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 88/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Mahinder Kaur. Worker.

[No. L-12025/01/2024- IR(B-I)-32]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 88/2016

Registered On:-11/11/2016

Mahinder Kaur W/o Amarjit Singh R/o V.P.O. Passiana Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Smt. Mahinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 24 जनवरी, 2024

clk-vk- 132.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और हरविंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (87/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-31]

सलोनी, उप निदेशक

New Delhi, the 24th January, 2024

S.O. 132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.87/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Harvinder Kaur .Worker.

[No. L-12025/01/2024- IR(B-I)-31]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 87/2016

Registered On:-11/11/2016

Harvinder Kaur W/o Sh. Avtar Singh R/o Village Jahlan Ranbirpura Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Smt. Harvinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 24 जनवरी, 2024

clk-vk- 133.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और जसविंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (84/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-28]

सलोनी, उप निदेशक

New Delhi, the 24th January, 2024

S.O. 133.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.84/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Jaswinder Kaur .Worker.

[No. L-12025/01/2024- IR(B-I)-28]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.84/2016

Registered On:-11/11/2016

Jaswinder Kaur W/o Sh. Lakhvir Singh R/o Vill. Fatehpur P.O. Wazidpur Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Smt. Jaswinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 24 जनवरी, 2024

का.आ. 134.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अध्यक्ष-सह-प्रबंध निदेशक, मेसर्स स्कूटर इंडिया लिमिटेड, सरोजिनी नगर, लखनऊ, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री कामेश्वर भगत, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार v/s | kfxd vf/kdj.k , oa Je U; k; ky;] लखनऊ पंचाट (संदर्भ संख्या 87/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 24/01/2024 को प्राप्त हुआ था।

[सं. एल- 42025-07-2024-14-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 24th January, 2024

S.O. 134.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 87/2021**) of the **Central Government Industrial Tribunal cum Labour Court–Lucknow**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chairman-cum Managing Director, M/s Scooter India Limited, Sarojini Nagar, Lucknow, and Shri Kameshwar Bhagat, Worker**, which was received along with soft copy of the award by the Central Government on 24/01/2024.

[No. L- 42025-07-2024-14- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**BEFORE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
LUCKNOW****I.D. Case No.87/2021**

Kameshwar Bhagat, aged about 54 years son of late Sri Tapeswar Bhagat, resident of –H.No.-272 Chandra Shekhar Azad Nagar Colony Daroga Khera Post- Aaurawan Sarjini Nagar, Lucknow Pin-227101

.....Applicant/ Workman**VERSUS**

M/s Scooter India Limited, Sarojini Nagar, Lucknow through its Chairman-cum Managing Director,
.....Opp. Party/Employer

Facts in Brief:

In the city of Lucknow, there is a establishing known as M/s Scooter India Limited Lucknow (hereinafter referred as establishment).

On 31.12.2020 appellant moved an application under section 2-A(1) read with section 2-A(2) of the Industrial Dispute Act (hereinafter referred as Act) and the facts as stated by him in the claim petition are as under:-

- A. Workman was appointed as unskilled worker in the establishment on 27.12.01976.
- B. On 08.12.1998 establishment floated in scheme known as voluntary retirement scheme in pursuance to the same workman submitted an application for voluntary retirement on 25.12.1993 for his voluntary retirement with effect from 14.12.1993.
- C. On 06.11.1993 circular was issued by which voluntary retirement scheme issued by establishment by 18.12.1993 was suspended with effect from 01.03.1993 so the workman moved an application for withdraw of his application for voluntary retirement on 25.11.1993, however his application for voluntary retirement was accepted but he was retired from service voluntarily.

In view of the above said background the present claim has been filed with the following relief.

“Wherefore, it is prayed that the illegal Voluntary Retirement of the applicant-workman w.e.f. 25.11.1993 is liable to be set aside and the opposite party/employer may kindly be directed to reinstate applicant-workman on the post with all consequential service/salary benefits and pay with all consequential within stipulated period with 12% interest, and/or pass such other order or direction, which this Hon’ble Tribunal may deem just and proper in the circumstances of the case”.

On behalf of the respondent a preliminary objection has taken that the workman so under this as per the provision of section 2-A(2) appellant cannot filed the present claim petition by invoking the provisions of as provided under section 2-A(1) read with section 2-A(2) of the Act aggrieved by the order by which his application for voluntary retirement has accepted as such claim petition filed by appellant is liable to be dismissed on the said ground.

In addition to the above said facts learned counsel for respondent further submits that even otherwise application filed by appellant under section 2-A(2) of the Act is not maintainable as in the present application workman/appellant has challenged his voluntary retirement dated 25.11.1993, on 31.12.2020 by filing the present claim petition so the same is barred by the period of limitation as provided u/s 2-A(3) of the Act, so liable to be dismissed on the said ground also.

In rebuttal it is submitted on behalf of the appellant as under:-

Management is well know that the Voluntary Retirement Scheme, circulated vide letter dated 08.12.1988, will remain suspended w.e.f. 01.12.1993 (Ref.- Annexure No. 2 to this written statement).

Applicant-workman gave the Voluntary retirement on 25.11.1993 which was withdrawn by applicant workman himself on dated 27.11.1993 even before it was approved by company itself.

It is provided in the Standing Orders of the company that the pay will be revised on each 5(Five) years of the employees/workman, which has not been done in the matter of the applicant-workman before accepting his illegal voluntary retirement.

Company/respondent is quietly running till date, therefore, his illegal voluntary retirement deserves to be quashed and opposite party/employer is liable to be directed to reinstate applicant-workman on the post with full salary benefits from relieve till his date of retirement from the post/job and pay his entire due salary with 12% interest to the applicant/workman.

Accordingly it is submitted that present case may be decided on merit should not be dismissed on the objection taken on behalf of respondent.

I have heard learned counsel for the parties and have gone through the record.

Before deciding the same it will be appropriate to go through aims and objects of Industrial Dispute Act, 1947 in brief which are that Industrial Disputes Bill was introduced by the Government of India in the Legislative Assembly on the 28th October 1946. After the Select Committee’s report on 3rd February 1947, with some amendments, it was passed in March 1947 and became the law from Ist April 1947 repealing the Trade Disputes Act 1929.

While retaining most of the provisions of the earlier law, this Act introduced two new institutions for the prevention and settlement of industrial disputes; works committees consisting of representatives of employers and workers; and machinery for industrial adjudication.

A reference to an industrial tribunal under this Act lies where both parties to any industrial dispute apply for such reference, and also where the appropriate Government considers it expedient so to do. An award of a tribunal has

normally to be enforced by the Government and is binding on both parties to the dispute for such periods as may be specified, upto a maximum of one year. This Act seeks to give a new orientation to the entire conciliation machinery.

Another important new feature of the Act is the prohibition of strikes and lockouts during the pendency of conciliation and adjudication proceedings of settlements reached in the course of conciliation proceedings and of awards of industrial tribunals declared binding by the appropriate government.

Rules, orders or notifications requiring the larger industrial establishments to set up works committees were issued by the Government of India and most of the State Governments.

Objectives: General

The objectives of industrial relations and industrial disputes legislation, may be outlined as under:-

- (i) **Industrial Peace:** For prosperity of industry, it is necessary that there be a continuous and growing production which is only possible if (a) there are no interruptions and stoppages in production i.e. absence of disputes, and (b) if the various agencies of production are satisfied and are in a harmonious bent to work. In other words, industrial peace is very necessary for the vitality of industry.
- (ii) **Economic Justice:** All interruptions in production arising out of industrial dispute are really caused by the dissatisfaction of labour with their existing economic condition. The history of labour struggle is nothing but a continuous demand for fair return to labour expressed in varied forms e.g. (a) increase in wages, (b) resistance to decrease in wages, (c) grant of allowances and benefits etc. (*Hariprasad Vs. A.D. Divelkar, AIR 1957 SC 121*)

Social and economic justice which is the bedrock of our Constitution and economic organization also requires that any industrial relations or disputes legislation, to be effective remedial statute, must embrace not only law for regulation of labour relations with capital, process for channelizing collective bargaining methods for negotiation, mediation, conciliation and settlements of industrial conflict, but also a system for giving fair play and justice to labour and removal of economic injustice.

The preamble of the Act states that its main object is to make provision for investigation and settlement of industrial disputes. Viewed in the above background, the Industrial Disputes Act 1947 is a progressive piece of social legislation and is designed to settle the disputes on a new pattern known under the Act as adjudication machinery. The object of all labour legislation is to ensure fair wages and to prevent disputes so that production might not be adversely affected. (*Banaras Ice Factory Ltd. Vs. Its Workmen, AIR 1957 SC 167*)

The purpose of the Act is to provide machinery for a just and equitable settlement by adjudication, (*G. Claridge and Company Ltd. Vs. Industrial Tribunal, Bombay, AIR 1951 Bombay 100*) and amelioration of the conditions of workmen in industry.

Individual and collective industrial disputes: Individual as well as collective disputes may ripen into industrial disputes. The true nature of an individual dispute is that it is a collective dispute. Though a dispute may at the inception be initiated by an individual, yet if it is taken up by the fellow-workers or a union, or a sufficient number of workers, it may assume the collective character and would become an industrial dispute. (*Standard Vacuum Oil Co. Errakulam Vs. I. Tribunal, Errakulam 1952-II LLJ 612*). A dispute which continues to retain its individual character cannot be regarded as an industrial dispute. This being the basic law, it is within the competence of the legislature to widen or narrow the coverage of an industrial dispute. The Industrial Disputes Act has also been amended to cover some individual disputes. It is not necessary that a majority should take an industrial dispute. It is sufficient if a substantial group of workmen take it up. When thus taken, it becomes an industrial or collective dispute.

Individual dispute an industrial dispute: The important amongst the above are however the amendments of 1965. By the Act of 1965, a new Section 2A has been added in Act whereby specified categories of individual disputes are also deemed to be industrial disputes. The section reads as under:

“2A. *Dismissal, etc of an individual workman to be deemed to be industrial dispute-*

Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.”

This amendment revives, impediment in the way of workman with the necessity that to make an industrial dispute it must be taken up or espoused by substantial section of the workmen or any union of those workmen and gives an individual workman a remedy for security of his service and indirectly freedom to join or not to join any union. Thus, individual disputes could be referred to Tribunal as per Section 2A after 1.12.1965. (*National Productivity Council, 1969-II LLJ 186*).

Thereafter, by Industrial Disputes (Amendment) Act 2010 (Act No. 24 of 2010), Section 2A(a), was renumbered as Sub-section (1) and by the same Act i.e. Act No.24 of 2010 Sub-section (2) and Sub-section (3) have been inserted after Section 2A (1) of Industrial Dispute Act 1947 which came into effect w.e.f. 15.09.2010, which reads as under:

"2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute -

"(1) Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.

(2) Notwithstanding anything contained in Section 10, any such workman as is specified in sub-Section(1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

(3) The application referred to in sub-Section(2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-Section(1)."

From the bare reading of provision of section 2-A(1) read with section 2-A(2) of the Act, the position is emerged out that individual workman can approach this Tribunal aggrieved by the action of employer by which the services of workman was discharged/dismissed retrenchment or otherwise terminated but not against an order by which his application for voluntary retirement has been accepted, accordingly he was retired.

So the present claim petition filed by him challenging his voluntary retirement w.e.f. 25.11.1993, is not maintainable u/s 2-A(1) read with Section 2-A(2) of the Act, because the Hon'ble Supreme Court held as under:-

"No words or expressions used in any statute can be said to be redundant or superfluous. In matters of interpretation one should not concentrate too much on one word and pay too little attention to other words. No provision in the statute and no word in any section can be construed in isolation. Every provision and every word must be looked at generally and in the context in which it is used. It is said that every statute is an edict of the legislature. The elementary principle of interpreting any word while considering a statute is to gather the mens or sententia legis of the legislature. Where the words are clear and there is no obscurity, and there is no ambiguity and the intention of the legislature is clearly conveyed, there is no scope for the Court to take upon itself the task of amending or alternating the statutory provisions. Wherever the language is clear the intention of the legislature is to be gathered from the language used. While doing so what has been said in the statute as also what has not been said has to be noted. The construction which requires for its support addition or substitution of words or which results in rejection of words has to be avoided".

Another question to be considered is that in view of the facts which are stated hereinabove, whether the claim petition filed by workman on 31.12.2020, before this Tribunal u/s 2-A (2) of the Act challenging order of voluntary retirement dated 25.11.1993 is maintainable or barred by the period of limitation as provided u/s 2A(3) of the Act.

Answer to the said question finds place in the judgment passed by the Hon'ble Karnataka High court in **ITC Infotech India Ltd. vs. Venkataramana Uppada ILR 2016 Karnataka 3041** wherein it has been held as under relevant portion quoted:

"19. Keeping the above principles in mind, a reading of Section 2A(3) would lead to an irresistible conclusion that time stipulated for invoking the jurisdiction of the Labour Court or the Tribunal as the case may be, has to be necessarily "before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-Section (1)." Time limit for making an application to the Labour Court stipulated in sub-Section (3) of Section 2A does not appear to have a bearing to the provisions of sub-Section (2) of Section 2A. In any event right conferred under Section 2A would lapse immediately preceding the date of expiry of three years from the date of dismissal, discharge etc.,. In other words, the limitation of three years prescribed under sub-Section (3) of Section 2A being

mandatory, same cannot be condoned by taking recourse to Section 5 of the Limitation Act, 1963 which has no application to the provisions of Industrial Disputes Act, 1947.

20. It is well settled principle that if an act is required to be performed within a specified time, the same would primarily be mandatory. It has been held in the case of **NAZIRUDDIN VS SITARAM AGARWAL** reported in AIR 2003 SCW 908 to the following effect:

"The Courts jurisdiction to interpret a statute can be invoked when the same is ambiguous. It is well known that in a given case, the Court can iron out the fabric but it cannot change the texture of the fabric. It cannot enlarge the scope of legislation or intention when the language of provision is plain and unambiguous. It cannot add or subtract the words to a statute or read something into it which is not there. It cannot re-write or recast legislation. It is also necessary to determine that there exists a presumption that the legislature has not used any superfluous words. It is well settled that the real intention of legislature must be gathered from the language used."

21. Thus, in the background of the dicta of the Apex Court in **NAZIRUDDIN's** case referred to supra, when Section 2A is perused, it would indicate that if the legislature really intended that the period of limitation provided in sub-Section (3) of Section 2A was to be construed as directory, then it would not have prescribed the limitation of three years and it would have used the words "at any time" instead of using the words "before the expiry of three years". Though the words at any time' is found in Section 10(1), same is conspicuously absent in sub-Section(3) of Section 2A which would clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-Section (3) of Section 2A and as such legislature did not employ the words at any time' in the said provision as found in Section 10(1) and in its place, it has specifically incorporated the words before the expiry of three years'. Hence, to interpret the period of limitation found in sub-Section (3) of Section 2A as directory and not mandatory would amount to adding something which is not provided in the provision by the legislature or it would amount to doing violence to the provision, if such interpretation is sought to be made."

And Hon'ble Rajasthan High court in the case of **Pankaj Swami vs. Rajasthan State Road Transport Corporation & ors. MANU/RH/1788/2019** after taking into consideration the provisions of sedation 2A(2) & 2A(3) of the Act held as under:

"The provisions are explicit, wherein the workman can approach the Labour Court for adjudication of the dispute in case of discharge, dismissal, retrenchment etc., however, sub-section (3) provides that the application should be made to the Labour Court before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified.

8. The submission made by learned Counsel for the petitioner that as the cause of action arose to the petitioner prior to introduction of the provision of limitation by sub-section (3) the same would have no application is concerned, the submission made is fallacious, inasmuch as, the provision under which the application has been filed by the petitioner i.e. section 2-A(2) of the Act, itself was introduced by the amendment Act of 2010 alongwith the limitation therein and therefore, the provision of limitation which was introduced in the year 2010 alongwith the main provision providing for the limitation would apply with all force and the submission that the same would have no application to the cause of action, which arose prior to 2007, has no basis.

The submissions as made, if accepted, would result in circumstances where if the cause of action has arisen post 2010, the same would be barred, whereas the causes, which arose prior to 2010 like in the year 2007 in the present case and the application is filed after 7 years, the same would never become barred by limitation, such a result is legally untenable.

9. The submission made by learned Counsel for the petitioner that as the petitioner had approached the Conciliation Officer and had raised the dispute before him, where there was no limitation and the petitioner approached the Labour Court only as per the directions of the Conciliation Officer the claim could not be rejected by barred by limitation also does not advance the cause of the petitioner, inasmuch as, the petitioner could have taken advantage of the said position, if the Conciliation Officer had sent a failure report to the appropriate Government who in turn had referred the dispute to the Labour Court. Merely because the Conciliation Officer suggested approaching the Labour Court, which suggestion was accepted by the petitioner, cannot be termed as a reference under section 10 of the Act to the Labour Court.

10. In view of the above discussion in so far as the rejection of the claim of the petitioner by the Labour Court being barred by limitation is concerned, the same cannot be faulted."

And in the case of **Parthasarathy vs. Souther Pins and Products Pvt. Ltd. and Ors. MANU/TN/6691/2020** Hon'ble the High Court of Madras has held as under:

"Inasmuch as the notice of termination of the Petitioner in the present case has been made on 06.10.2014 under Section 2-A(2) of the Act after the said amendment has come into force, the limitation of three years

prescribed under Section 2-A(3) of the Act would necessarily apply. As such, there is no infirmity in the decision-making process of the Labour Court in refusing to entertain the application made by the Petitioner has time barred. This view is supported by the decisions of this Court in the following cases:-

- (i) *ITC Infotech India Ltd. v. Venkataramana Uppada* (Order dated 03.03.2016 in W.P. No. 27510 of 2015 passed by the High Court of Karnataka)
- (ii) *Management of Ashok Leyland v. Presiding Officer, Labour Court* (Order dated 13.04.2016 in W.P. Nos. 9640 and 9641 of 2016 passed by this Court)
- (iii) *Ravi Kumar v. Management, Tamil Nadu State Road Transport Corporation* (Order dated 11.04.2017 in W.P. (MD) No. 4269 of 2017 passed by the Madurai Bench of this Court)
- (iv) *K. Settu v. Assistant Engineer, Tamil Nadu Electricity Board* (Order dated 20.09.2019 in W.P. No. 8413 of 2019 passed by this Court)

5. A feeble attempt is made on behalf of the Petitioner to suggest that the period of conciliation must be excluded while computing the limitation. It is, no doubt, true that Section 2-A(2) of the Act contemplates such application to be made to the Labour Court after the expiry of 45 days from the date of application to the Conciliation Officer is made. However, it does not require that the conciliation proceedings should have been completed before making that application under Section 2-A(2) of the Act. The words in Section 2-A(3) of the Act are clear enough that the limitation has to be reckoned on the expiry of three years from the date of termination. The Petitioner in the instant case had made the application for conciliation on 12.04.2017 which had also concluded on 27.06.2017, but the Petitioner had not approached the Labour Court after 45 days either from 12.04.2017 or even from 27.06.2017. As such, the contentions made on behalf of the Petitioner cannot be countenanced.”

(see also *Kandasamy Spinning Mills Private Ltd. vs S. Palanisamy and Ors.* MANU/RN/6831/2019)

Thus, in view of above said fact, combined reading of section 2A (2) and 2A (3) of the Act, the legal position which emerge out is that if a workman is aggrieved by order of discharge, dismissal, retrenchment or otherwise termination, he may approach the Tribunal within a period three years from dated of passing of order.

Taking into consideration, above said facts and position of law as well that “if law provides a particular thing that all other modes or methods of doing that thing must be deemed to have been prohibited”, the said proposition of law is first held in the case of *Tylor Vs. Tylor* (1875) LR 1 ChD 426 and adopted later by the **Judicial Committee in Nazir Ahmed Vs. King Emperor AIR 1936 PC 253** and thereafter by the Hon’ble Supreme Court in a series of judgments including those in *Rao Shiv Bahadur Singh & another Vs. State of Vindhya Pradesh AIR 1954 SC 322*, *State of Uttar Pradesh Vs. Singhara Singh AIR 1964 SC 358*, *Chandra Kishore Jha Vs. Mahavir Prasad 1999 (8) SCC 266*, *Dhananjaya Reddy Vs. State of Karnataka 2001 (4) SCC 9* and *Gujarat Urja Vikas Nigam Ltd. Vs. Essar Power Ltd. 2008 (4) SCC 755*.

In the case of *Grasim Industries Ltd. Vs. Collector of Customs, Bombay, (2002) 4 SCC 297*, the Hon’ble Supreme Court held as under:-

“No words or expressions used in any statute can be said to be redundant or superfluous. In matters of interpretation one should not concentrate too much on one word and pay too little attention to other words. No provision in the statute and no word in any section can be construed in isolation. Every provision and every word must be looked at generally and in the context in which it is used. It is said that every statute is an edict of the legislature. The elementary principle of interpreting any word while considering a statute is to gather the mens or sententia legis of the legislature. Where the words are clear and there is no obscurity, and there is no ambiguity and the intention of the legislature is clearly conveyed, there is no scope for the Court to take upon itself the task of amending or alternating the statutory provisions. Wherever the language is clear the intention of the legislature is to be gathered from the language used. While doing so what has been said in the statute as also what has not been said has to be noted. The construction which requires for its support addition or substitution of words or which results in rejection of words has to be avoided”.

Hon’ble the Apex Court in the case of *Bhavnagar University Vs. Palitana Sugar Mill (P) Ltd., (2003) 2 SCC 111*, held as under:-

“24. True meaning of a provision of law has to be determined on the basis of what provides by its clear language, with due regard to the scheme of law.

25. Scope of the legislation on the intention of the legislature cannot be enlarged when the language of the provision is plain and unambiguous. In other words statutory enactments must ordinarily be construed according to its plain meaning and no words shall be added, altered or modified unless it is plainly necessary to do so to prevent a provision from being unintelligible, absurd, unreasonable, unworkable or totally irreconcilable with the rest of the statute”.

In the case of **Harshad S. Mehta Vs. State of Maharashtra, (2001) 8 SCC 257**, it has been held as under:-

“There is no doubt that if the words are plain and simple and call for only one construction that construction is to be adopted whatever be its effect”.

In the case of **Union of India Vs. Hansoli Devo (2002) 7 SCC 273**, Hon’ble the Supreme Court observed as under:-

“9.It is a cardinal principle of construction of statute that when language of the statute is plain and unambiguous, then the court must give effect to the words used in the statute and it would not be open to the courts to adopt a hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act.”

In the case of **Patango Kadam Vs. Prithviraj Sayajiro Yadav Deshmukh (2001) 3 SCC 594**, took the view:-

“12. Thus when there is an ambiguity in terms of a provision, one must look at well-settled principles of construction but it is not open to first to create an ambiguity which does not exist and then try to resolve the same by taking recourse to some general principle.”

Also, Hon’ble the Supreme Court in the case of **Popat Bahiru Govardhane & others vs. Special Land Acquisition Officer & another (2013) 10 SCC 765** has held as under:

“16. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim dura lex sed lex which means “the law is hard but it is the law”, stands attracted in such a situation. It has consistently been held that, “inconvenience is not” a decisive factor to be considered while interpreting a statute. “A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.”

(See Martin Burn Ltd. v. Corpn. of Calcutta 10, AIR p. 535, para 14 and Rohitash Kumar v. Om Prakash Sharma 11.)

Taking into consideration the above said facts as well as admitted fact that appellant for voluntary retirement from service with effect from 25.11.1993, accepted the amount paid to him in lieu of voluntary retirement, the claim petition filed by him the same is liable to be dismissed.

For the foregoing reasons the claim petition is dismissed as not maintainable under section 2-A(3) of the Industrial Dispute Act 1947.

As prayed on behalf of appellant, it will be open to him to approach the appropriate forum/court for redressal of the grievances as raised in the present case.

Lucknow

Date 05.06.2023

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 24 जनवरी, 2024

का.आ. 135.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कार्यकारी निदेशक, मेसर्स स्कूटर इंडिया लिमिटेड, सरोजिनी नगर, लखनऊ, (यूपी); प्रबंधक (कार्मिक), मेसर्स स्कूटर इंडिया लिमिटेड, सरोजिनी नगर, लखनऊ, (यूपी), के प्रबंधन के संबद्ध नियोजकों और श्री विनोद कुमार शर्मा, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार v/s| kfxd vf/kdj .k , oa Je U; k; ky;] लखनऊ पंचाट (संदर्भ संख्या 05/2020) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 24/01/2024 को प्राप्त हुआ था।

[सं. एल- 42025-07-2024-13- आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 24th January, 2024

S.O. 135.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 05/2020**) of the **Central Government Industrial Tribunal cum Labour Court—Lucknow**, as shown in the Annexure, in the Industrial dispute between the employers in relation to

The Executive Director, M/s Scooter India Limited, Sarojini Nagar, Lucknow, (U.P.); The Manager (Personnel), M/s Scooter India Limited, Sarojini Nagar, Lucknow, (U.P.), and Shri Vinod Kumar Sharma, Worker, which was received along with soft copy of the award by the Central Government on 24/01/2024.

[No. L- 42025-07-2024-13- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 05/2020

BETWEEN

VINOD KUMAR SHARMA SN.3928, S/o Sri Bindaban Sharma

R/O Village & Post Rupapur Afeemwali Kothi, Pratapgrah.

AND

1. M/S SCOOTERS INDIA LTD., Through its Executive Director, Sarojani Nagar Lucknow.
2. Manager (Personnel) M/S SCOOTERS INDIA LTD, Sarojani Nagar Lucknow.

AWARD

On 05.11.2019 the claimant/workman has filed the ID case No. 05/2020 as per the provisions of Section 2A (2) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act).

Facts of the case:

The claimant was initially appointed as casual machinist on 01.09.1976 and was regularly appointed on the post of semi-skilled workman (Machinists) on 30.11.1976 and subsequently was promoted as skilled workman on 01.04.1979 and confirmed on 13.08.1982.

The workman has stated that due to illness he could not able to attend his duties w.e.f. 14.09.1983 and accordingly he sought medical leave and when he did not recover he sent another application for leave on 02.12.1983; however, his services have been terminated w.e.f. 24.09.1983 vide letter dated 02/03.08.1984.

Aggrieved by termination, claimant filed Writ Petition No. 3856 of 2000 before Hon'ble High Court, dismissed vide order dated 24.04.2019, as under:

"After arguing at some length, the learned counsel for the petitioner does not wish to press the present writ petition in order to avail himself of the alternative remedy as would be applicable upon employees of Central Government Corporation.

In view of the above, the writ petition is dismissed as withdrawn granting liberty to the petitioner to approach the appropriate forum pertaining to employees of Central Government Corporation. In case such an application is filed alongwith an application for condonation of delay, the authority or Court/Tribunal concerned may consider the application for condonation of delay sympathetically, in view of the circumstances of this case."

Thereafter, in pursuance to order dated 24.09.2019, claimant filed application u/s 2(A) of the Act before Conciliation Officer/Regional Labour Commissioner (Central), Lucknow on 05.08.2019 and when the same was not conciliated he filed present industrial dispute before this Tribunal on 05.11.2019.

In view of above said factual background the present case has been filed u/s 2A (2) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) with following prayer:

"Wherefore, it is most respectfully prayed that this Hon'ble Tribunal / Labor Court made kindly be pleased to set aside the impugned orders of termination dated 2/3.08.84 & 12/13.09.84 passed by the opposite party no. 2 by taking recourse of the without leave and further be pleased to direct the opposite parties no. 1 & 2 to treated as reinstate the workman on his respective post as he was working before order of termination

dated 2/3.08.84 & 12/13.09.84 and provides all consequential/retrial benefits, getting the age of superannuation including full back wages and other benefits."

Sri Sharad Kumar Shukla, learned counsel for respondent has submitted that before deciding the matter in question on merit, the question "whether the claim petition filed by the claimant on 05.11.2019 as per the provisions of section 2A (2) of the Act, aggrieved by the order of termination/retrenchment dated 24.09.1983 is barred by the period of limitation as provided u/s 2A(3) of the Act or not?"

Sri Sharad Kumar Shukla, learned counsel for respondent in support of his argument submits, admittedly as per the case of the claimant his services were terminated on 24.09.1983, aggrieved by the same he filed present industrial dispute u/s 2A (2) of the Act; however, u/s 2A (3) of the Act the period of limitation is provided for three years, from the date of retrenchment/termination, so, the present claim petition is barred by the period of limitation as provided u/s 2A (3) of the Act, liable to be dismissed.

I have heard the learned counsel for parties and gone through the record.

Before deciding the same it will be appropriate to go through aims and objects of Industrial Dispute Act, 1947 in brief which are that Industrial Disputes Bill was introduced by the Government of India in the Legislative Assembly on the 28th October 1946. After the Select Committee's report on 3rd February 1947, with some amendments, it was passed in March 1947 and became the law from 1st April 1947 repealing the Trade Disputes Act 1929.

While retaining most of the provisions of the earlier law, this Act introduced two new institutions for the prevention and settlement of industrial disputes; works committees consisting of representatives of employers and workers; and machinery for industrial adjudication.

A reference to an industrial tribunal under this Act lies where both parties to any industrial dispute apply for such reference, and also where the appropriate Government considers it expedient so to do. An award of a tribunal has normally to be enforced by the Government and is binding on both parties to the dispute for such periods as may be specified, upto a maximum of one year. This Act seeks to give a new orientation to the entire conciliation machinery.

Another important new feature of the Act is the prohibition of strikes and lockouts during the pendency of conciliation and adjudication proceedings of settlements reached in the course of conciliation proceedings and of awards of industrial tribunals declared binding by the appropriate government.

Rules, orders or notifications requiring the larger industrial establishments to set up works committees were issued by the Government of India and most of the State Governments.

Objectives: General

The objectives of industrial relations and industrial disputes legislation, may be outlined as under:-

- (i) **Industrial Peace:** For prosperity of industry, it is necessary that there be a continuous and growing production which is only possible if (a) there are no interruptions and stoppages in production i.e. absence of disputes, and (b) if the various agencies of production are satisfied and are in a harmonious bent to work. In other words, industrial peace is very necessary for the vitality of industry.
- (ii) **Economic Justice:** All interruptions in production arising out of industrial dispute are really caused by the dissatisfaction of labour with their existing economic condition. The history of labour struggle is nothing but a continuous demand for fair return to labour expressed in varied forms e.g. (a) increase in wages, (b) resistance to decrease in wages, (c) grant of allowances and benefits etc. (*Hariprasad Vs. A.D.Divelkar, AIR 1957 SC 121*)

Social and economic justice which is the bedrock of our Constitution and economic organization also requires that any industrial relations or disputes legislation, to be effective remedial statute, must embrace not only law for regulation of labour relations with capital, process for channelizing collective bargaining methods for negotiation, mediation, conciliation and settlements of industrial conflict, but also a system for giving fair play and justice to labour and removal of economic injustice.

The preamble of the Act states that its main object is to make provision for investigation and settlement of industrial disputes. Viewed in the above background, the Industrial Disputes Act 1947 is a progressive piece of social legislation and is designed to settle the disputes on a new pattern known under the Act as adjudication machinery. The object of all labour legislation is to ensure fair wages and to prevent disputes so that production might not be adversely affected. (*Banaras Ice Factory Ltd. Vs. Its Workmen, AIR 1957 SC 167*)

The purpose of the Act is to provide machinery for a just and equitable settlement by adjudication, (*G. Claridge and Company Ltd. Vs. Industrial Tribunal, Bombay, AIR 1951 Bombay 100*) and amelioration of the conditions of workmen in industry.

Individual and collective industrial disputes: Individual as well as collective disputes may ripen into industrial disputes. The true nature of an individual dispute is that it is a collective dispute. Though a dispute may at the

inception be initiated by an individual, yet if it is taken up by the fellow-workers or a union, or a sufficient number of workers, it may assume the collective character and would become an industrial dispute. (**Standard Vacuum Oil Co. Errakulam Vs. I.Tribunal, Errakulam 1952-II LLJ 612**). A dispute which continues to retain its individual character cannot be regarded as an industrial dispute. This being the basic law, it is within the competence of the legislature to widen or narrow the coverage of an industrial dispute. The Industrial Disputes Act has also been amended to cover some individual disputes. It is not necessary that a majority should take an industrial dispute. It is sufficient if a substantial group of workmen take it up. When thus taken, it becomes an industrial or collective dispute.

Individual dispute an industrial dispute: The important amongst the above are however the amendments of 1965. By the Act of 1965, a new Section 2A has been added in Act whereby specified categories of individual disputes are also deemed to be industrial disputes. The section reads as under:

“2A. Dismissal, etc of an individual workman to be deemed to be industrial dispute-

Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.”

This amendment revives, impediment in the way of workman with the necessity that to make an industrial dispute it must be taken up or espoused by substantial section of the workmen or any union of those workmen and gives an individual workman a remedy for security of his service and indirectly freedom to join or not to join any union. Thus, individual disputes could be referred to Tribunal as per Section 2A after 1.12.1965. (**National Productivity Council, 1969-II LLJ 186**).

Thereafter, by Industrial Disputes (Amendment) Act 2010 (Act No. 24 of 2010), Section 2A(a), was renumbered as Sub-section (1) and by the same Act i.e. Act No.24 of 2010 Sub-section (2) and Sub-section (3) have been inserted after Section 2A (1) of Industrial Dispute Act 1947 which came into effect w.e.f. 15.09.2010, which reads as under:

“2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute -

“(1) Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.

(2) Notwithstanding anything contained in Section 10, any such workman as is specified in sub-Section(1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

(3) The application referred to in sub-Section(2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-Section(1).”

Now the core question to be considered is that in view of the facts which are stated hereinabove, that admittedly the services of applicant was terminated on 24.09.1983, thereafter he has filed the present case before this Tribunal u/s 2A of the Act on 05.11.2019 on the grounds as taken by him in his claim petition, is maintainable or barred by the period of limitation as provided u/s 2A(3) of the Act.

Answer to the said question find place in the judgment passed by Hon’ble the Karnataka High Court in **ITC Infotech India Ltd. vs. Venkataramana Uppada ILR 2016 Karnataka 3041**, relevant portion quoted as under:

“19. Keeping the above principles in mind, a reading of Section 2A(3) would lead to an irresistible conclusion that time stipulated for invoking the jurisdiction of the Labour Court or the Tribunal as the case may be, has to be necessarily “before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-Section (1).” Time limit for making an application to the Labour Court stipulated in sub-Section (3) of Section 2A does not appear to have a bearing to the provisions of sub-Section (2) of Section 2A. In any event right conferred under Section 2A would lapse immediately preceding the date of expiry of three years from the date of dismissal, discharge

etc.,. In other words, the limitation of three years prescribed under sub-Section (3) of Section 2A being mandatory, same cannot be condoned by taking recourse to Section 5 of the Limitation Act, 1963 which has no application to the provisions of Industrial Disputes Act, 1947.

20. It is well settled principle that if an act is required to be performed within a specified time, the same would primarily be mandatory. It has been held in the case of *NAZIRUDDIN VS SITARAM AGARWAL* reported in AIR 2003 SCW 908 to the following effect:

"The Courts jurisdiction to interpret a statute can be invoked when the same is ambiguous. It is well known that in a given case, the Court can iron out the fabric but it cannot change the texture of the fabric. It cannot enlarge the scope of legislation or intention when the language of provision is plain and unambiguous. It cannot add or subtract the words to a statute or read something into it which is not there. It cannot re-write or recast legislation. It is also necessary to determine that there exists a presumption that the legislature has not used any superfluous words. It is well settled that the real intention of legislature must be gathered from the language used."

21. Thus, in the background of the dicta of the Apex Court in *NAZIRUDDIN's* case referred to supra, when Section 2A is perused, it would indicate that if the legislature really intended that the period of limitation provided in sub-Section (3) of Section 2A was to be construed as directory, then it would not have prescribed the limitation of three years and it would have used the words "at any time" instead of using the words "before the expiry of three years". Though the words at any time' is found in Section 10(1), same is conspicuously absent in sub-Section(3) of Section 2A which would clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-Section (3) of Section 2A and as such legislature did not employ the words at any time' in the said provision as found in Section 10(1) and in its place, it has specifically incorporated the words before the expiry of three years'. Hence, to interpret the period of limitation found in sub-Section (3) of Section 2A as directory and not mandatory would amount to adding something which is not provided in the provision by the legislature or it would amount to doing violence to the provision, if such interpretation is sought to be made."

And Hon'ble Rajasthan High court in the case of *Pankaj Swami vs. Rajasthan State Road Transport Corporation & ors. MANU/RH/1788/2019* after taking into consideration the provisions of sedation 2A(2) & 2A(3) of the Act held as under:

"The provisions are explicit, wherein the workman can approach the Labour Court for adjudication of the dispute in case of discharge, dismissal, retrenchment etc., however, sub-section (3) provides that the application should be made to the Labour Court before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified."

8. The submission made by learned Counsel for the petitioner that as the cause of action arose to the petitioner prior to introduction of the provision of limitation by sub-section (3) the same would have no application is concerned, the submission made is fallacious, inasmuch as, the provision under which the application has been filed by the petitioner i.e. section 2-A(2) of the Act, itself was introduced by the amendment Act of 2010 alongwith the limitation therein and therefore, the provision of limitation which was introduced in the year 2010 alongwith the main provision providing for the limitation would apply with all force and the submission that the same would have no application to the cause of action, which arose prior to 2007, has no basis.

The submissions as made, if accepted, would result in circumstances where if the cause of action has arisen post 2010, the same would be barred, whereas the causes, which arose prior to 2010 like in the year 2007 in the present case and the application is filed after 7 years, the same would never become barred by limitation, such a result is legally untenable."

9. The submission made by learned Counsel for the petitioner that as the petitioner had approached the Conciliation Officer and had raised the dispute before him, where there was no limitation and the petitioner approached the Labour Court only as per the directions of the Conciliation Officer the claim could not be rejected by barred by limitation also does not advance the cause of the petitioner, inasmuch as, the petitioner could have taken advantage of the said position, if the Conciliation Officer had sent a failure report to the appropriate Government who in turn had referred the dispute to the Labour Court. Merely because the Conciliation Officer suggested approaching the Labour Court, which suggestion was accepted by the petitioner, cannot be termed as a reference under section 10 of the Act to the Labour Court.

10. In view of the above discussion in so far as the rejection of the claim of the petitioner by the Labour Court being barred by limitation is concerned, the same cannot be faulted."

And in the case of *Parthasarathy vs. Souther Pins and Products Pvt. Ltd. and Ors. MANU/TN/6691/2020* Hon'ble the High Court of Madras has held as under:

"In as much as the notice of termination of the Petitioner in the present case has been made on 06.10.2014 under Section 2-A(2) of the Act after the said amendment has come into force, the limitation of three years prescribed under Section 2-A(3) of the Act would necessarily apply. As such, there is no infirmity in the decision-making process of the Labour Court in refusing to entertain the application made by the Petitioner has time barred. This view is supported by the decisions of this Court in the following cases:-

(i) *ITC Infotech India Ltd. v. Venkataramana Uppada* (Order dated 03.03.2016 in W.P. No. 27510 of 2015 passed by the High Court of Karnataka)

(ii) *Management of Ashok Leyland v. Presiding Officer, Labour Court* (Order dated 13.04.2016 in W.P. Nos. 9640 and 9641 of 2016 passed by this Court)

(iii) *Ravi Kumar v. Management, Tamil Nadu State Road Transport Corporation* (Order dated 11.04.2017 in W.P. (MD) No. 4269 of 2017 passed by the Madurai Bench of this Court)

(iv) *K. Settu v. Assistant Engineer, Tamil Nadu Electricity Board* (Order dated 20.09.2019 in W.P. No. 8413 of 2019 passed by this Court)

5. A feeble attempt is made on behalf of the Petitioner to suggest that the period of conciliation must be excluded while computing the limitation. It is, no doubt, true that Section 2-A(2) of the Act contemplates such application to be made to the Labour Court after the expiry of 45 days from the date of application to the Conciliation Officer is made. However, it does not require that the conciliation proceedings should have been completed before making that application under Section 2-A(2) of the Act. The words in Section 2-A(3) of the Act are clear enough that the limitation has to be reckoned on the expiry of three years from the date of termination. The Petitioner in the instant case had made the application for conciliation on 12.04.2017 which had also concluded on 27.06.2017, but the Petitioner had not approached the Labour Court after 45 days either from 12.04.2017 or even from 27.06.2017. As such, the contentions made on behalf of the Petitioner cannot be countenanced."

(see also *Kandasamy Spinning Mills Private Ltd. vs S. Palanisamy and Ors.* MANU/RN/6831/2019)

Thus, in view of above said fact, combined reading of section 2A (2) and 2A (3) of the Act, the legal position which emerge out is that if a workman is aggrieved by order of discharge, dismissal, retrenchment or otherwise termination, he may approach the Tribunal within a period three years from dated of passing of order.

Taking into consideration, above said facts and position of law as well that "if law provides a particular thing that all other modes or methods of doing that thing must be deemed to have been prohibited", the said proposition of law is first held in the case of *Tylor Vs. Tylor (1875) LR 1 ChD 426* and adopted later by the *Judicial Committee in Nazir Ahmed Vs. King Emperor AIR 1936 PC 253* and thereafter by the Hon'ble Supreme Court in a series of judgments including those in *Rao Shiv Bahadur Singh & another Vs. State of Vindhya Pradesh AIR 1954 SC 322*, *State of Uttar Pradesh Vs. Singhara Singh AIR 1964 SC 358*, *Chandra Kishore Jha Vs. Mahavir Prasad 1999 (8) SCC 266*, *Dhananjaya Reddy Vs. State of Karnataka 2001 (4) SCC 9* and *Gujarat Urja Vikas Nigam Ltd. Vs. Essar Power Ltd. 2008 (4) SCC 755*.

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"No words or expressions used in any statute can be said to be redundant or superfluous. In matters of interpretation one should not concentrate too much on one word and pay too little attention to other words. No provision in the statute and no word in any section can be construed in isolation. Every provision and every word must be looked at generally and in the context in which it is used. It is said that every statute is an edict of the legislature. The elementary principle of interpreting any word while considering a statute is to gather the mens or sententia legis of the legislature. Where the words are clear and there is no obscurity, and there is no ambiguity and the intention of the legislature is clearly conveyed, there is no scope for the Court to take upon itself the task of amending or alternating the statutory provisions. Wherever the language is clear the intention of the legislature is to be gathered from the language used. While doing so what has been said in the statute as also what has not been said has to be noted. The construction which requires for its support addition or substitution of words or which results in rejection of words has to be avoided".

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24. True meaning of a provision of law has to be determined on the basis of what provides by its clear language, with due regard to the scheme of law.

25. Scope of the legislation on the intention of the legislature cannot be enlarged when the language of the provision is plain and unambiguous. In other words statutory enactments must ordinarily be construed according to its plain meaning and no words shall be added, altered or modified unless it is plainly

necessary to do so to prevent a provision from being unintelligible, absurd, unreasonable, unworkable or totally irreconcilable with the rest of the statute”.

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“There is no doubt that if the words are plain and simple and call for only one construction that construction is to be adopted whatever be its effect”.

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“9. It is a cardinal principle of construction of statute that when language of the statute is plain and unambiguous, then the court must give effect to the words used in the statute and it would not be open to the courts to adopt a hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act.”

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“12. Thus when there is an ambiguity in terms of a provision, one must look at well-settled principles of construction but it is not open to first to create an ambiguity which does not exist and then try to resolve the same by taking recourse to some general principle.”

Also, Hon’ble the Supreme Court in the case of **Popat Bahiru Govardhane & others vs. Special Land Acquisition Officer & another (2013) 10 SCC 765** has held as under:

*“16. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim *dura lex sed lex* which means “the law is hard but it is the law”, stands attracted in such a situation. It has consistently been held that, “inconvenience is not” a decisive factor to be considered while interpreting a statute. “A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.”*

(See Martin Burn Ltd. v. Corpn. of Calcutta 10, AIR p. 535, para 14 and Rohitash Kumar v. Om Prakash Sharma 11.)

Reverting to the facts of the present case, as per the admitted position, the services of the workman was terminated on 24.09.1983 and the same has been challenged by him by filing the present industrial dispute on 05.11.2019.

So, keeping in view the above said facts as well as the workman cannot derive any benefit from the facts on which he has approved the Tribunal after expiry of period three years from the date of his termination, because his services were terminated on 24.09.1983 and filed the present case on 05.11.2019 u/s 2A (2) of the Act, as such, the claim petition is barred by the period of limitation provided u/s 2A (3) of the Act, liable to be rejected.

Accordingly, the same is rejected on the ground that same is barred by period of limitation as per section 2A (3) of the Industrial Disputes Act, 1947, with liberty to the claimant to pursue its case before appropriate forum as per law.

Award as above.

LUCKNOW.

Justice ANIL KUMAR, Presiding Officer

28th November, 2023.

नई दिल्ली, 24 जनवरी, 2024

का.आ. 136.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टेलीकॉम भारत संचार निगम लिमिटेड टेलीफोन जनपथ रोड, एचसी माथुर लेन, नई दिल्ली, दिल्ली; महाप्रबंधक, दूरसंचार भारत संचार निगम लिमिटेड टेलीफोन एक्सचेंज कार्यालय फिरोजपुर पंजाब; डी.ई.टी टेलीकॉम भारत संचार निगम लिमिटेड, सिटी पुलिस स्टेशन के पास, श्री मुक्तसर साहिब, के प्रबंधन के संबद्ध नियोजकों और श्री जरनेल सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ पंचाट (संदर्भ संख्या 65/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 24/01/2024 को प्राप्त हुआ था।

[सं. एल- 42025-07-2024-21-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 24th January, 2024

S.O. 136.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 65/2022) of the **Central Government Industrial Tribunal cum Labour Court –1, Chandigarh**, as shown in the Annexure, in the Industrial dispute between the employers in relation **Telecom Bharat Sanchar Nigam Ltd. Telephone Janpath Rd, HC Mathur Lane, New Delhi, Delhi; The**

General Manager, Telecom Bharat Sanchar Nigam Ltd. Telephone Exchange Office Ferozepur Punjab ; D.E.T Telecom Bharat Sanchar Nigam Ltd. Near City Police Station, Sri Muktsar Sahib, and Shri Jarnail Singh, Worker, which was received along with soft copy of the award by the Central Government on **12/01/2024.**

[No. L- 42025-07-2024-21- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 65/2022

Registered On:-03.11.2022

Jarnail Singh S/o Sh. Joginder Singh R/o VPO Gandher, Gander, Sri Muktsar Sahib, Punjab
152026.

.....Workman

Versus

1. Telecom Bharat Sanchar Nigam Ltd. Telephone Janpath Rd, HC Mathur Lane, New Delhi, Delhi-110001.
2. The General Manager, Telecom Bharat Sanchar Nigam Ltd. Telephone Exchange Office Ferozepur Punjab.
3. D.E.T Telecom Bharat Sanchar Nigam Ltd. Lakhe Wali, Near City Police Station, Sri Muktsar Sahib.

.....Respondents

AWARD

Passed On:-26.12.2023

1. The workman Sh. Jarnail has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for filing replication but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 24 जनवरी, 2024

का.आ. 137.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स महाप्रबंधक दूरसंचार, भारत संचार निगम लिमिटेड, फ़िरोज़पुर, (पंजाब), के प्रबंधन के संबद्ध नियोजकों और श्री जर्नेल सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ पंचाट (संदर्भ संख्या 43/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 24/01/2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-20-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 24th January, 2024

S.O. 137.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/2022) of the Central Government Industrial Tribunal cum Labour Court –1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation The General Manager Telecom, Bharat Sanchar Nigam Limited, Ferozepur, (Panjab), and Shri Jarnail Singh, Worker, which was received along with soft copy of the award by the Central Government on 12/01/2024.

[No. L- 42025-07-2024-20- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.43/2022

Registered On:-16.09.2022

Jarnail Singh S/o Sh. Joginder Singh R/o Village Gandhar, P.O. Bhagsar, District Sri Muktsar Sahib (Punjab).

.....Workman

Versus

General Manager Telecom, Bharat Sanchar Nigam Ltd. (BSNL), Ferozpur (Punjab).

.....Respondents

AWARD**Passed On:-26.12.2023**

1. The workman Sh. Jarnail has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for filing replication but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 24 जनवरी, 2024

dk-vk- 138.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और ekfudk j kuh, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (89/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-33]

सलोनी, उप निदेशक

New Delhi, the 24th January, 2024

S.O. 138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 89/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Monica Rani .Worker.

[No. L-12025/01/2024- IR(B-I)-33]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 89/2016

Registered On:-11/11/2016

Monika Rani W/o Nirmal Singh R/o Vill. Daraula Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Smt. Monika Rani has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 24 जनवरी, 2024

clk-vk- 139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और गुरनैब सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (90/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-34]

सलोनी, उप निदेशक

New Delhi, the 24th January, 2024

S.O. 139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 90/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Gurnaib Singh .Worker.

[No. L-12025/01/2024- IR(B-I)-34]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 90/2016

Registered On:-11/11/2016

Gurnaib Singh S/o Sh. Siuli Ram R/o Vill. Panjola Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Sh. Gurnaib Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer